

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 AUGUST 16, 2016 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 Armstrong, Brennan, Maier, Pink, Sheldon, Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator Bob Irvin; Scott Anderson, representative of the firm of James Anderson Company, Village Attorneys Jim Ferolo and Greg Smith of Klein Thorpe & Jenkins, Ltd., Village Treasurer Pam Fantus and Financial Consultant Dorothy O'Mary

C. APPROVAL OF MINUTES:

Regular Meeting of the Board: July 20, 2016

It was moved by Trustee Maier and seconded by Trustee Sheldon that the minutes of the Regular Meeting of July 20, 2016 be approved with one typographic error corrected.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: None

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

D. APPROVAL OF BILLS

1. Bills Submitted for Payment

Trustee Maier reported the total amount for payment is \$134,223.43. It includes the monthly bill from Howe Security in the amount of \$6,982.58.

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 Armstrong, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

E. TREASURER’S REPORT

Presentation of the Treasurer’s Report for the Month of July, 2016.

It was moved by Trustee Armstrong, seconded by Trustee Sheldon that the Board acknowledges receipt of the July 2016 Treasurer’s Report and place it on file.

Upon a call of the roll, the following voted:

Aye: All

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

Tom Heinz, resident, asked that the Village Board consider adopting an ordinance prohibiting AirBNB’s in the Village. Mayor Urlacher said it would be taken under advisement.

Mayor Urlacher reported that the Board had received three letters to be read at the meeting and several others that had been sent to the Village Board. He read each of the letters from Thomas and Franziska Lys, Cathy Nelson and Robert Price. The letters are on file with the Village Clerk.

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

1. Finance Committee

a. Other Matters

Trustee Maier reported that the Committee has been discussing building and engineering permits and the fees and expenses. We are past due for a full review of the agreement and it is recommended that we do so. He also reported that the Village rebate is in full swing and we have received 60 applications so far. The deadline for them is October 3rd. The time period this year has been extended well beyond last year’s program.

2. Public Works Committee

- a. Recommendation to Approve the Lowest Responsible Bid (Without Storm Sewer and Associated Work) from Peter Baker and Son Company for the Old School Road Resurfacing Project in the Amount of \$391,306

Trustee Armstrong reported that the Committee recommended approval of the bid from Peter Baker and Son without the line item for the storm sewer work. The total cost is \$391,306. The cost to do the storm sewer work is much less by separating it out from the project. Trustee Towne asked if Baker had accepted the removal of the storm sewer work. Village Engineer Anderson advised that the bid document allowed removal of items at the Village's discretion.

- b. Recommendation to Waive Sealed Bids to Approve an Agreement with Forest Builders for Old School and Bradley Road Storm Sewer Improvements Associated with the Old School Road Resurfacing Project

Trustee Armstrong reported that the Committee discussed having the storm sewer work for the Old School Road resurfacing project done by Forest Builders, and Scott Anderson was to bring the cost to the Village Board at tonight's meeting. Trustee Armstrong said that the recommendation was to have the storm sewer work done before the paving project. Scott Anderson distributed the proposal at a cost of \$50,000, if it was required that all of the work needed to be done at prevailing wages. If some of the ditch work was treated as maintenance as it has in other Village locations, the storm sewer work would be \$28,000 and the other work about \$8,000 to \$9,000. Trustee Armstrong said that the Board would need to waive sealed bids to approve the proposal. Village Attorney Smith said that he would review the proposal to see if the work could be split. Trustee Towne suggested that it be approved subject to the Attorney's review up to the maximum of \$50,000. Mayor Urlacher said the Village would save \$81,000 even if the total of \$50,000 was spent on the storm sewer.

- c. Consideration of a Contract Extension with Forest Builders for Snow Plowing Services for the Years 2017-2022

Trustee Armstrong reported that our contract had ended with Forest Builders for snow plowing services. The new proposal runs through 2022 and follows the same language and cost increases each year like the previous contract. There have been good results from their work and everyone seems to be happy with the service. It would require the waiver of competitive bids to award the contract to them.

Richard Fantus asked if there was an expectation in the morning of what time the roads would be plowed. Scott Anderson said that if it snows overnight, they would

generally be plowed by 7:00 a.m. It can also be determined by when the storm actually occurs.

3. Parks and Recreation Committee

- a. Recommendation for the Approval of Mowing, Trimming and Debris Pick Up Work in Whippoowill Park Completed by Main Landscape and Concrete in the Amount of \$840

Trustee Sheldon reported that the Committee recommended approval of the payment to Main Landscape and Concrete for work they did in Whippoowill Park in the amount of \$840.

- b. Recommendation for Approval of Mowing Proposal for Whippoowill Park from Main Landscaping and Concrete in an Amount Not to Exceed \$3,000

Trustee Sheldon reported that the Committee recommended approval of the Whippoowill Park mowing proposal from Main Landscape and Concrete in the amount of \$3,000. Whippoowill Park was not included in the Village's mowing contract earlier this year.

- c. Recommendation for Approval of a Proposal from R.E. Allen and Associates for Oasis Park Topographic Survey in an Amount Not to Exceed \$2,200

Trustee Sheldon reported that a topographic survey of Oasis Park was needed as part of the grant award that we received for the park and the Committee recommended approval of the proposal from R.E. Allen in the amount of \$2,200.

4. Safety Commission

- a. Amendment to the Village Code regarding Solicitors and Canvassers

Trustee Pink reported that the Village Board had received the proposed ordinance to amend the code from the Village Attorney. She said that the last line in Section 1 should be removed from the proposed ordinance to clarify that only solicitors need to register with the Village, and not canvassers. Village Attorney Smith said it was not needed given the other amendments the Board was considering. Trustee Pink researched some signs and displayed one that could easily be placed on mailboxes, especially for those residents with long driveways. The Village could consider making them available to the residents. If we were to purchase 100 of the signs, the cost would be \$1.75 per sign.

b. Safety and Activity Report

Trustee Pink reported that a stolen car incident occurred on Sunday, July 31st in the Village. It took place on the west Oasis Service Road, about 10:30 a.m. She was advised by the Mettawa Patrol regarding the incident at about 12:19 p.m. as she was going to Church. Apparently the State Police were involved in a chase. She proceeded to go home and prepared an alert to go out to the residents through Blackboard Connect. However, the alert would only go out after she was able to confirm the information. Around 1:30 p.m., Trustee Armstrong advised her that he had learned there was a suspect, and he provided her with the description of him. He also mentioned that a red pickup truck had been in the area, and was thought to have been involved, and then it quickly sped away from the area. Around 2:00 p.m. she received confirmation from the Lake County Sheriff that the information that she had received from Trustee Armstrong was correct. She then put out the Blackboard Connect alert with the confirmed information that she had learned. The Illinois State Police was in charge of the situation and were assisted by the Lake County Sheriff, and Police Departments from Vernon Hills, Lake Forest and Libertyville and the Lake County Forest Preserve. Two reports were sent out by the Lake County Sheriff's Department that were somewhat contradictory. In order to provide accurate information, the Village Administrator has requested the full report from the Illinois State Police. She thanked Trustee Armstrong and Rick Eckenstaller of Mettawa Patrol for providing her with the information during the incident. The Lake County Sheriff's Department contacted her when the suspect was in custody. She said a final alert through Blackboard Connect was sent out to the residents at 3:05 p.m. to let them know that everything was under control.

Jess Ray, resident, thanked Trustee Pink for providing the report and the alerts. He said that he spoke to Rick during the incident and discovered that they no longer have radio access with the Lake County Sheriff. He has sent an email to our County Representative about this loss of the radio access. He said that if we had radio access during the recent incident, we would have had better information. Loss of radio access is a serious situation and impacts response time for the Mettawa Patrol. Trustee Pink reported that the Sheriff does have a new radio system and they have advised us that they would not allow access for six months. The Village Administrator has contacted the Sheriff's Department by letters on April 12th and June 29th and he has included our County Board member, Ann Maine in the loop. We have not received communication from them since the first letter. Village Administrator Irvin reported that the Sheriff's new radio system is an encrypted system that does not allow general radios and scanners to pick up their communications. The Mettawa Patrol put out an informal request earlier in the year as the system was being set up to see if they could get access to it, since it benefits both the Village and the Sheriff. We made a formal request in April and were told no at this time and for us to submit more information in six months for them to review. There isn't more information that could be supplied in another six months, since we would no longer be able to

communicate with them under the new system. The second letter was sent in June providing additional information of the benefits of having access. Village Administrator Irvin said we did not receive an answer to this letter, so he contacted Ann Maine to see if she could assist us in this matter. Trustee Armstrong said that all other Community Service Officers have access to the new radio system. Village Administrator Irvin said they are making a distinction between a municipal police department and a private security firm. Trustee Towne asked if our contract was through the County or the Sheriff's office. Village Administrator Irvin said he thought both the Lake County Board and Sheriff approved and signed the agreement. Trustee Towne suggested that the Village Attorney review the situation and send a letter.

Dean Shaffer, resident, asked if there was a notification procedure in place to let residents know about these types of incidents. Mayor Urlacher said that we use Blackboard Connect that notifies residents by telephone and email. Mayor Urlacher said we could remind residents about signing up for Blackboard Connect in the next newsletter. Jess Ray said that Forest Haven residents received an alert from their association around 11:00 a.m. during the stolen car incident. Trustee Sheldon suggested that Forest Haven and other non-Village residents be added to the email contact list. Homer Benavides, President of the Forest Haven Homeowners suggested that there be better communications between the Village and Forest Haven. Trustee Armstrong asked how the Forest Haven residents got the information about the incident. Mt. Benavides said that they stopped and asked law enforcement officials while the incident was going on.

6. Zoning, Planning and Appeals Commission

Mayor Urlacher reported there will be no action taken on item a. at tonight's meeting. It is recommended that this item be tabled given that there are over 400 pages of information and transcripts that the Village just received last Friday. The Board also has received over a dozen letters. He suggested that if you cannot attend next month's meeting that you provide your comments at tonight's meeting.

- a. Discussion Regarding Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 16-SU-S-2, Regarding the Structural Change Requests Portion of the Application of Always Faithful, LLC for 855 Bradley Road

Village Attorney Smith gave an overview of the zoning application submitted by Always Faithful Stables, LLC. The property is being operated under a special use permit granted in 2000 and amended in both 2009 and 2014. They have requested a text amendment to the Village zoning code to operate a private equestrian club and as new type of special use and to be granted the special use and seeking permission to build an addition of their indoor riding arena of 13,268 sq. ft., to build an open air horse run in and to designate as permanent, a third access point on Bradley Road and

a variation from the 15% maximum lot coverage requirement to 16.05%. The ZPA held two nights of public hearings on their application, July 12th and July 20th. Notices were sent to properties owners within 2000 feet of the Always Faith property and published in the Daily Herald prior to the July 12th public hearing. About seven hours of public hearing testimony was taken during the two nights generating about 300 pages of transcripts. At the end of the public hearing, Always Faithful asked the ZPA to split consideration of their requests. They asked for the private equestrian club matter to be continued to another meeting and for the ZPA to make a recommendation of the arena expansion and lot coverage variation. The ZPA agreed to split the matters and continued the text amendment to its October 4th meeting. The ZPA made a unanimous recommendation to the Village Board to approve the arena expansion, horse run-in and variation request for impervious surface of up to 16.05%.

Jess Ray, resident, suggested that that Village Board hold a Committee of the Whole meeting on a Saturday for this matter. Mayor Urlacher said the Village Board could chose to hold a Committee of the Whole meeting. Diane Hanson, resident, asked if there is anything the Board has not approved for Always Faithful. Mayor Urlacher said they have only been before this Board once in 2014 with the other changes occurring in 2009 for a previous owner. Ms. Hanson said the changes they have request would set precedence in the Village. Wendie Clark, resident, asked when the original green house was torn down and replaced with the new one. Village Administrator Irvin said that was approved in 2014. Donna LaPietra, resident, asked how the Committee of the Whole meeting could be set up. Mayor Urlacher said a majority of the Board could request the meeting. Trustee Brennan said any four Trustees could ask for the meeting and it could be decided at tonight's meeting. Trustee Sheldon said there have been too many Committee of the Whole meetings and she understands how everyone wants to provide their input. However, the Village residents have elected six Trustees and we are to make the best decisions with the information that we have at the time. Trustee Maier said that he would abstain from voting on this matter. Trustee Maier reminded everyone that there is a place on the meeting agenda for the public to address the Board on issues. Residents can also call the Trustees or send emails with their thoughts and opinions. Trustee Pink suggested that residents provide their input at tonight's meeting. Trustee Armstrong said there is a lot of misinformation going around the Village about matters before the Board. He said the fears are overblown, but the concerns are not, and there is a difference. He said people should not be afraid to contact them directly. He added that if a Committee of the Whole is needed for information to be presented, it should be held. Trustee Towne said that he has not had the opportunity to read all of the information on this matter since it was received on Friday. Some people who attended the public hearings did not get a chance to speak. If the Board thinks a Committee of the Whole meeting is needed, then we should have one. He said the proposal is for a commercial use in the middle of a residential district. The house that was mentioned earlier is the principal structure on the property and the large barn could not be approved with the single family house. They are now asking for the change of use for the house to be used as the club and this opens up another issue. The club cannot serve as the principal use to a large barn according to our ordinance. Private clubs are permitted as special uses under the Village's Hotel/Office district.

He suggested that we consider sending this matter back to the ZPA for review. He added that there is a maximum arena size of 30,000 square feet that really didn't come up in the ZPA public hearings. He said a Committee of the Whole meeting could be held or discussed at a Village Board meeting, with notification of the meeting sent to the residents. Trustee Armstrong asked for everyone to be civil with each other. He has been accused of receiving financial gains from the Always Faithful proposal and that is not right. Trustee Pink commended the ZPA for their hard work and agreed with Trustee Armstrong over the fear issue. She said that there is a lot of misinformation out there causing these fears. Trustee Brennan suggested that a Committee of the Whole meeting be held for the residents to provide their input.

Village Attorney Ferolo said that tonight's meeting, the issue before the Board is the ZPA's recommendation on the arena and variation. The text amendment for the club would be considered by the ZPA at a public hearing held on October 4th. Residents and other interested people could provide their comments and input at that meeting. Trustee Towne said that he did not think the issues should have been bifurcated since the house is the principal use to allow the large barn. By separating the issues, the large stable would not be tied to the house as the principal use, and only the R-1 district allows that. He added that the bifurcation was in error. Village Attorney Smith said that approval of the arena expansion would still be tied to the house approved in 2014, as it was the only recommendation before the Board at tonight's meeting. The change of use of the single family house to a club was pending before the ZPA. Trustee Towne said if the house is not being used as a house, then the barn is not tied to a single family house.

Mayor Urlacher asked the Board to check their calendars to select a date for a Committee of the Whole meeting. He said the Board could send the matter back to the ZPA or could table the matter and bring it back to the September Board meeting. Trustee Brennan moved, seconded by Trustee Armstrong, to hold a Committee of the Whole meeting on September 10, 2016 at 9:00 a.m. Trustee Towne suggested that we send the matter back to the ZPA for more study as he believes the matter should not have been bifurcated.

Trustee Sheldon moved, seconded by Trustee Brennan, to table the Always Faithful matter listed as item H.3.i., on the agenda.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Pink and Sheldon

Nay: Trustee Towne

Abstain: Trustee Maier

Absent: None

Mayor Urlacher declared the motion carried.

Tom Lys, resident, apologized to Trustee Maier for the email that was read about him having a conflict of interest. He said it is easier for someone to put in writing what they would not say in a public hearing. Marcia Ray, resident, said that the elephant in the room is when people get surprised about things; they send the types of letters and emails that the Board has received. She asked the Board to notify residents when there are substantial issues before the Board. She said the communications have diminished from the past. Trustee Sheldon asked how she would like to see us get the information out in a greater way than it is done now with newsletters, agendas posted on the website, etc. Ms. Ray said there are plenty of ways to provide the information to the residents. Peter Liphart, resident, said that residents within 2000 feet were mailed the notice of the public hearings and asked how many people did that reach? He suggested that we send the notice out to more people. Wendie Clark, resident, said approval of their request would set a precedent and forever change the Village. She understands that you can't have a committee of the whole meeting every time there is a decision before the Board. Tom Heinz, resident, said that he has attended virtually every Village meeting in the last four years. He has seen this project development and the 2000 foot notification requirement is larger than other hearings have required. He suggested that residents attend the Village meetings. Don Joseph, resident, said he does not understand the upside or benefits to the Village if the approvals are made for them. Carrie Woodruff, resident, said she heard about this project from a neighbor. She said that residents cannot attend all of the meetings, but it would be good to get notifications about the meetings of critical issues. She did receive the certified letter about the public hearing.

Mayor Urlacher reminded everyone the Committee of the Whole meeting will be held on September 10th at 9:00 a.m. in this room.

- b. Request from the Zoning, Planning and Appeals Commission to Obtain the Services of Teska Associates to Review the Operational Change Requests in the Pending Zoning Application Submitted by Always Faithful, LLC in Docket 16-SU-S-2 for 855 Bradley Road

No action taken.

- c. Discussion Regarding Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 16-SU-S-3, Regarding the Application of William O'Donnell and Lezlie Reghan O'Donnell for 25575 St. Mary's Road

Village Attorney Smith gave an overview of the application submitted by Bill and Lezlie O'Donnell for the property located at 25575 St. Marys Road. The request is for an amendment to their special use to expand the number of horses from 11 to 14 and to allow the boarding of up to 6 horses. He advised that the ZPA recommended approval of the number of horses to 14 and recommended not to approve the boarding of up to 6 horses. The application, transcript of the public hearing and recommendations of the ZPA were included in the Board packet.

Adam Findlay, attorney representative the O'Donnell's provided a summary of the O'Donnell's request. He said there is no additional construction proposed except for the build out of the additional 3 stables in the existing stable. They would like to have up to 6 of the stalls available for the horses of the O'Donnell's friends and that the O'Donnell's be able to receive reimbursement for the cost of boarding the horses. Lezlie O'Donnell said she would like ride with friends and there is no intent to run a business or make money. The friends would reimburse them for the expenses of boarding their horses. She did not believe they were in violation of their special use to allow friends to keep their horses in their barn, but were told that they would need to seek an amendment to the special use to allow it. Village Administrator Irvin advised that at the public hearing, the O'Donnell's offered to limit the number of outside owners boarding horses to three and that the special use would not run with the property.

Trustee Armstrong said that we should consider options to find a way to make this work for the O'Donnell's. Debbie Garris, resident, asked if the O'Donnell's reside on the property. Lezlie O'Donnell said they do not live here on a permanent basis due to wanting to keep their children in their current school district. Mayor Urlacher suggested that the discussion be continued under new business.

d. Discussion Regarding Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 16-SU-S-4, Regarding the Application of the Joseph A. Nitiss Living Revocable Trust for 25220 Shagbark Road

Village Attorney Smith gave an overview of the application submitted by Joe Nitiss and Karen Carruthers for a new special use for a guest house. The house that they wish to use as the guest house is the existing house on the property and the wish to build a new single family house as their residence. The ZPA made a unanimous recommendation to approve the special use request with the condition that any change to the existing house to be used as the guest house, would need the approval of an amendment to the special use. Joe Nitiss offered to answer any questions of the Board.

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

1. Mayor's Report

a. Village Picnic

Mayor Urlacher reminded everyone of the Village Picnic scheduled for August 27th, from 11:00 a.m. to 2:00 p.m., rain or shine. He encouraged all residents to attend the picnic.

b. Village Clerk Update

Mayor Urlacher reported that he and the Village Administrator interviewed another candidate for the Village Clerk position and she will be up for the appointment at the September Village Board meeting.

c. Building Report

Mayor Urlacher thanked Village Engineer Anderson for the monthly Building Report and asked that it be placed on file.

d. Village Administrator's Report

Village Administrator Irvin reported that the railroad crossing on Route 176 in Lake Bluff would be closed for maintenance from August 22nd through August 27th. An alert has been sent to residents.

2. UNFINISHED BUSINESS

3. NEW BUSINESS

- a. Approval of the Lowest Responsible Bid (Without Storm Sewer and Associated Work) from Peter Baker and Son Company for the Old School Road Resurfacing Project in the Amount of \$391,306

It was moved by Trustee Armstrong, seconded by Trustee Brennan, to approve the lowest responsible bid without the storm sewer and associated work from Peter Baker and Son Company for the Old School Road Resurfacing Project in an amount of \$391,306.

Upon a call of the roll, the following voted:

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

Absent: None

Mayor Urlacher declared the motion carried.

- b. Approval of the Waiver of Sealed Bids and an Agreement with Forest Builders for Old School and Bradley Road Storm Sewer Improvements Associated with the Old School Road Resurfacing Project

It was moved by Trustee Armstrong, seconded by Trustee Towne, to approve the waiving of sealed bids and approval of an agreement with Forest Builders for Old School Road and Bradley Road storm sewer improvements associated with the Old School Road Resurfacing Project in an amount not to exceed \$50,000 and subject to the agreement being approved by the Village Attorney.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

- c. Approval of a Contract Extension with Forest Builders for Snow Plowing Services for the Years 2017-2022

It was moved by Trustee Armstrong, seconded by Trustee Brennan, to approve the waiver of competitive bids and a contract extension with Forest Builders for Snow Plowing Services for the years 2017-2022.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

- d. Approval of Mowing, Trimming and Debris Pick Up Work in Whippoorwill Park Completed by Main Landscape and Concrete in the Amount of \$840

It was moved by Trustee Brennan, seconded by Trustee Armstrong, to approve mowing, trimming and debris pick up work in Whippoorwill Park completed by Main Landscape and Concrete in the amount of \$840.

Upon a call of the roll, the following voted:

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

Mayor Urlacher declared the motion carried.

- e. Approval of Mowing Proposal for Whippoorwill Park from Main Landscaping and Concrete in an Amount Not to Exceed \$3,000

It was moved by Trustee Towne, seconded by Trustee Maier, to approve the mowing proposal for Whippoorwill Park from Main Landscape and Concrete in an amount not to exceed \$3,000.

Upon a call of the roll, the following voted:

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

Mayor Urlacher declared the motion carried.

- f. Approval of a Proposal from R.E. Allen and Associates for Oasis Park Topographic Survey in an Amount Not to Exceed \$2,200

It was moved by Trustee Armstrong, seconded by Trustee Pin, to approve the proposal from R.E. Allen and Associates for Oasis Park topographic survey in an amount not to exceed \$2,200.

Upon a call of the roll, the following voted:

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

Mayor Urlacher declared the motion carried.

- g. Approval of an Ordinance Amending Chapter 7 of the Mettawa Village Code Regarding Solicitors and Canvassers

It was moved by Trustee Pink, seconded by Trustee Brennan, to approve an ordinance amending Chapter 7 of the Mettawa Village Code regarding Solicitors and Canvassers with the removal of the last sentence in Section 1. Trustee Towne asked why we

would not ask for the social security number. Village Attorney Ferolo advised that we were prohibited from doing so under the Identity Protection Act. Trustee Towne asked if there is any other information that could be requested and Village Attorney Ferolo said we could look into it administratively.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

- h. Approval of an Agreement with Teska Associates for Planning and Review Services in Docket 16-SU-S-2 for 855 Bradley Road

It was moved by Trustee Brennan, seconded by Trustee Pink, to approve an agreement with Teska Associates for Planning and Review Services in Docket 16-SU-S-2 for 855 Bradley Road.

Upon a call of the roll, the following voted:

Aye: None

Nay: Trustees Armstrong, Brennan, Pink, Sheldon and Towne

Abstain: Trustee Maier

Absent: None

Mayor Urlacher declared the motion failed.

- i. Approval of an Ordinance Amending and Restating a Special Use Permit for a Large Stable and Granting a Variation for Property Commonly Known as 855 Bradley Road, Mettawa (Application filed by Always Faithful, LLC; Zoning, Planning and Appeals Docket 16-SU-S-2)

This item was previously tabled earlier in the meeting.

- j. Direction to Village Attorney Regarding an Ordinance Addressing the Application of William O'Donnell and Lezlie Reghan O'Donnell for 25575 St. Mary's Road (Zoning, Planning and Appeals Commission Docket 16-SU-S-3)

It was moved by Trustee Towne, seconded by Trustee Sheldon, to direct the Village Attorney to draft an Ordinance addressing the application of William O'Donnell and Lezlie Reghan O'Donnell for 25575 St. Marys Road, Zoning, Planning and Appeals Commission Docket 16-SU-S-3. Trustee Armstrong said it needs to address the final

solution. Village Attorney Smith said there is no ordinance in the packet and he needs direction on what to bring back to the Board. Trustee Towne said his motion was to include the increase in the number of horses to 14 and to permit up to 6 horses to be boarded. Trustee Sheldon seconded the additions to the motion.

Trustee Brennan said she used to own a stable and understands their request. However, if the Board approves a private stable to board horses, we will be setting a bad precedence. Lezlie O'Donnell said the previous owner of their barn had told them they boarded a horse there and that was part of the reason they did not think they were in violation. Trustee Armstrong said he agreed with precedent setting issue, but he said the discussion should be continued to find a way to make it work. Trustee Towne said there is a boarding facility at the corner of Rt. 60 and St. Marys Road with 60 to 70 horses. There have been no accidents or complaints about them. Boarding horses is not a problem and never have been a problem in the Village. He added that he does not think they need an amendment to their special use in order to board horses, only for increases the number of horses. Debbie Garris, resident, said that taking money for boarding horses is a commercial use. Trustee Towne said that the Village's R-1 zoning district allows horse and horse ranching activities, which includes riding, boarding and training horses, all agricultural uses. He compared it to a farmer who raises corn in his field and sells it or bales hay on their property. Trustee Brennan said their special use does not include boarding horses. Trustee Towne said there is not definition of commercial use in the Village Code. Wendie Clark, resident, asked why the O'Donnell's were not cited for the violation of their special use for boarding horses. Mayor Urlacher said that O'Donnell's were advised if they filed for an amendment to their special use, we would not file a violation notice. Ms. Clark said she was concerned about the precedence being set and the number of other private stables that may seek to board horses. Pam Fantus, resident, said that the ZPA members believed taking money for boarding horses was a business. She added the taking of money for boarding was clearly a business. Trustee Towne said it was horse and horse ranching activities under the Village Code. Village Attorney Ferolo said the long standing interpretation of the Village Code requires a special use in order to board horses in the Village. Trustee Towne said as a zoning expert, having testified in the counties in the area, that the ordinance is clear that horses and horse ranching activities are agricultural uses and boarding of horses has never been an issue.

Village Attorney Ferolo and Smith summarized that the motion before the Board is to direct the attorney to draft an ordinance to approve the increase in the number of horses from 11 to 14 and to permit the boarding of up to 6 horses. Village Administrator Irvin advised that if the motion was approved, the ordinance would be placed on the September meeting agenda for approval.

Upon a call of the roll, the following voted:

Aye: Trustees Pink, Sheldon and Towne and Mayor Urlacher
Nay: Trustees Armstrong, Brennan and Maier

Absent: None

Mayor Urlacher declared the motion carried.

- k. Approval of an Ordinance for Granting A Special Use Permit for a Guest House for Property Commonly Known as 25220 Shagbark Road, Mettawa (Application filed by the Joseph A. Nitiss Living Revocable Trust; Zoning, Planning and Appeals Docket 16-SU-S-4)

It was moved by Trustee Towne, seconded by Trustee Sheldon, to approve an Ordinance granting a special use permit for a guest house for property commonly known as 25220 Shagbark Road, Mettawa under the application filed by the Joseph A. Nitiss Living Revocable Trust; Zoning, Planning and Appeals Docket 16-SU-S-4.

Trustee Brennan asked how we know it will be used as a guest house and not rented out. Village Attorney Smith said the Village Code prohibits guest houses from being rented. Additionally, in the testimony at the public hearing, the owners stated that it was to be used by a family member.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: None

Mayor Urlacher declared the motion carried.

I. EXECUTIVE SESSION

J. CALL TO RECONVENE

K. ROLL CALL

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

M. ITEMS TO BE REFERRED

N. FOR INFORMATION ONLY

O. ADJOURNMENT

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

Upon a call of the roll, the following voted:

In Favor: All

Opposed: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 9:45 p.m.

Bob Irvin, Deputy Village Clerk