

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 SEPTEMBER 20, 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 7:33 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

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

Absent: Trustee Armstrong

Mayor Urlacher declared a quorum present.

Also present: Village Administrator Bob Irvin; Yamin Yamin, 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: August 16, 2016

It was moved by Trustee Towne and seconded by Trustee Sheldon that the minutes of the Regular Meeting of August 16, 2016 be approved as presented.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Armstrong

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 \$156,535.41. It includes a payment of \$1,500.00 to Main Landscaping for mowing at Whippoorwill Park. The \$3,743.00 payment to On Call Properties was not approved for failure to properly complete the work.

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

Mayor Urlacher declared the motion carried.

E. TREASURER’S REPORT

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

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

Upon a call of the roll, the following voted:
Aye: All
Nay: None
Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried.

F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

John Zenko, resident, advised the Board that he has seen no deer or other wildlife this summer on his 21.5 acre property located at 26429 St. Marys Road. He said that there a natural stream that begins near the Grainger ponds and works its way under Route 60, through Deerpath Farm and on his property and continues under St. Marys Road to the Des Plaines River. He believes something is killing the deer and could be related to this waterway and that it began in the spring of this year. He has not seen any deer or coyotes since July. His pond has a great deal of algae in his 3 acre pond, more than normal, and perhaps it is the algae that are killing the deer. He questioned whether it is from chemicals that are being to the Grainger ponds to keep them clear that is causing a problem. He asked the Village Board to consider doing some water testing or perhaps through Lake County and contacting Grainger to ask how they are treating their ponds. Earlier in the summer there was a dead deer by his pond with its hooves up and no visible bite marks. He asked the Village Board to do some investigation. Trustee Brennan agreed that she has not seen deer and coyotes lately.

Mayor Urlacher read a letter from Marcia and Jess Ray, residents regarding the Always Faithful Stables zoning request, asking that the Village Board deny the request.

Mayor Urlacher read a letter from Tom and Franziska Lys and Bill Kurtis and Donna LaPietra, residents, regarding the Always Faithful Stables zoning request, asking the Village Board to deny the request.

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

1. Finance Committee

a. Update on Property Tax Rebate Program

Trustee Maier reported 107 Resident applications have been received. The deadline for submission is October 3, 2016.

b. Update of FY 2015-16 Audit

Trustee Maier reported the Board will receive a status of the Audit in the October 18, 2016 meeting. Trustee Maier will draft the MD&A, Management Discussion and Analysis when he receives the preliminary report.

c. Purchase of No Solicitor Signs for Residents

Trustee Maier reported that the Committee agreed to allocate \$300 for the purchase of No Solicitor signs that will be made available to residents.

2. Public Works Committee

a. Update on a Potential Water Main Extension in the Village

Village Administrator Irvin reported that letters will be going out to residents in both Mettawa and Green Oaks to solicit interest in a potential water main extension through the creation of an SSA.

b. Update on Bradley/Old School Drainage Issues and Resurfacing Project

Village Administrator Irvin reported that St. Basil's Church has agreed to the easement language for the drainage easement on a small portion of their property and we should have the signed easement in the next few days.

c. Update on the Old School Road Resurfacing Project

Village Administrator Irvin reported that we have received the signed agreement from Peter Baker for the Old School Road resurfacing project. We are waiting to receive the schedule for the work and it will begin after the drainage project is completed. Residents will receive notification regarding the project once the schedule is finalized.

d. Update on the Mettawa Lane Drainage Issue

Village Administrator Irvin reported the Village Engineer is researching this issue and will report his findings in the October 12, 2016 meeting.

e. Update of Trees Identified for Removal

Village Administrator Irvin reported we removed about 200 trees two years ago mostly due to the Emerald Ash Borer and another round is needed. The Public Works Committee was provided with a list of trees recommended for removal which will be reviewed at its October meeting in preparation for obtaining bids.

3. Parks and Recreation Committee

a. Other Matters

Trustee Sheldon reported that the topographic survey should be completed this month for the Oasis Park grant project. Trustee Sheldon reported that the Route 60 trail extension project had obtained all necessary bonds and permits to begin the project. IDOT has received all the necessary documents to issue the permit. Trustee Sheldon reported Clarke Mosquito Company sprayed the village for a nuisance control. They targeted bees and mosquitos. Clark Mosquito Control also reported Mettawa and Libertyville has a high rate of West Nile virus.

4. Safety Commission

a. Status and Activity Update

Trustee Pink reported that we have only 22 residents who have not signed-up for Blackboard Connect. Currently 90% of the Mettawa residents are enrolled in the Blackboard Connect communication notification system.

Trustee Pink will be meeting with various Forest Haven Residents, Travis Brown, Bernadette Elmer, and Homer Benavides regarding mutual issues these residents share with Mettawa residents.

Trustee Pink reported that residents would like to address the Serbia Fest. The Mayor received a request to address the traffic related to the weekend festival. Trustee Pink will meet with the St. Basil Serbian Orthodox Church representatives to discuss how to address parking issues on Bradley Road as it relates to resident safety.

6. Zoning, Planning and Appeals Commission: No Report.

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

1. Mayor's Report

a. Agreement with GOVTEMPSUSA, LLC for Village Clerk Services

Mayor Urlacher reported Mettawa has an agreement with GovTempUSA, LLC for the Village Clerk position. After 6 weeks of interviewing for this role, Sandy Gallo has accepted and assigned to be the Village Clerk of Mettawa. The GovTempUSA LLC, contract and Sandy Gallo's resume was provided to the Board to review her qualifications. Sandy is due to start Monday, September 26, 2016.

b. Village Clerk Appointment

It was moved by Trustee Sheldon, seconded by Trustee Brennan the appointment of the Sandy Gallo, as Village Clerk.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried.

c. Commonwealth Edison Presentation Regarding Smart Meters

Mayor Urlacher introduced Jim Dudek and Craig Creamean of Commonwealth Edison. Commonwealth Edison is due to install over 4 million Smart meters by the end of 2018. The Smart Reader is a very cost effective way to communicate with the meter. It is 900 mg hertz radio and operates in no license spectrum of the FCC. The Smart Reader provides Commonwealth Edison the opportunity to reduce operating costs. This project will allow redeploying the monthly 500 meter readers employees currently required to support the current meters to help support other business infrastructure needs. The new meters will also help reduce in the high levels of thieves, which create operation savings. Another benefit these meters offer is customers to save money. One program offered to the customer is Peak Time Savings Program. The PTSP has no cost or fees to enroll. The PTSP offers customer to receive alerts from Com Ed to reduce their usage by some amount at that particular time. If you do reduce your usage, you will receive a credit for cooperating. If you have a higher usage at the time of the alert, you will not be charged extra. Another benefit these meters offer is a robust management on communicating with the meter during an outage. These meters allow Com Ed to ping to the meter to determine if a resident or business is still experiencing an outage. With the new smart meters, Com

Ed has been able to reduce thousands of trucks to be deployed to determine or confirm an outage has been repaired. As a result, Com Ed has been able to improve their response time to other reported outage with the additional workforce which has created great company savings. The new meters have been embedded with security comparable to the Department of Defense technology to provide privacy for the residents. No personal information is contained in the meter, only usage. No data usage information is sold to third parties. The new meters do not give off any RF, radio frequency. The meters operate on average 3 minutes a day.

Trustee Maier said, he has two different homes on the grid. How does Commonwealth Edison capture the various homes on one property have been restored? Mr. Creamean from Commonwealth Edison said, each house will have its own meter installed. If an area experiences an outage, the whole area is pinged after the repair. Com Ed waits to receive an electronic confirmation from each meter in that one area to be functional. At this time, meters that were not confirmed repaired, a truck is sent to those sights for further follow-up repair.

A resident asked, how will the resident be notified of the installation on their home? Mr. Creamean from Commonwealth Edison said, they will do a bill insert, a mailer and a letter to the resident 90 days, 60 days, and 30 days before your installation date. Lastly, the resident will receive a robocall phone 1 week before the install day. On the installation day, the employee will be identified by their employee badge and company truck to ensure the resident it is Commonwealth Edison.

Trustee Pink asked if the company vehicles lettering are painted onto the truck? Mr. Creamean from Commonwealth Edison said, the company's logos are fixed. The company lettering is neither magnetic nor painted.

Rich Fantus, a resident, asked, what is the range of 900 meg hertz cover? Mr. Creamean said, the mesh can be pinged about half-a-mile distance from the meter. No home electronics will interfere with the Smart Reader communication. Only a few times do they find the home owners garage door opener will interfere with the ping to the meter. Mr. Fantus asked if the meter creates any noise when the pinging is occurring. Mr. Creamean said, no noise is made through any home automation equipment.

A resident asked, have you received any complaints from the residents complaining their electrical bill is higher after the Smart reader was installed? Mr. Creamean replied, very few. The new meter does not create a higher bill. Those residents that

do not lock their monthly bills and are receiving an estimated usage, see a spike when the bill has been “true-up usage every 6 months” the bill is higher.

A resident asked, how are the meters calibrated? Mr. Creamean replied, they are tested at the factory and are sample tested under the ICC required standards. Resident asked, is the meter recalibrated after it has been installed? Mr. Creamean answered, no it is not recalibrated after it has been installed.

A resident asked, what took Commonwealth Edison so long to create this type of device? Mr. Creamean said, they did a pilot program in 2009-2010, however, several pieces of the meter took longer to finalize.

d. Short Term House Rentals; AIRBNB

Mayor Urlacher reported, last month Tom Heinz requested that Mettawa prohibit AIRBNB and short term house rentals. The Mayor looked into this inquiry. Mettawa currently has no short term homes listed under this program. Several other municipalities have banned or have ordinances relating to the regulations of AIRBNB for their towns. The Mayor is going to ask the Around the Town group to review this request.

f. Refer Comprehensive Zoning Code Review to ZPA

Mayor Urlacher said he will be asking the Around the Town to look at the possible amendments relating to the zoning code regarding the stables and other provisions. The group will make recommendations to the ZPA to conduct any necessary public hearings and make recommendations for the Board approval.

g. Building Report

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

h. Village Administrator’s Report

Village Administrator Irvin reported that the period in which petitions can be filed for the next election will commence on December 12, 2016 through December 19, 2016. The election will include the Mayor and 3 Trustee positions.

2. UNFINISHED BUSINESS

a. 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)

Before Mayor Urlacher asked for a motion on the Special Use Permit relating to 855 Bradley Road, the attendees were asked if there were any comments or questions that were not addressed at the Saturday, September 17, 2016, Committee of the Whole Meeting. The Special Use Permit request heard over 10 hours of testimony and the Board is fully informed of all the residents concerns relating to the Special Use Permit. Once all the comments are made, the Mayor said he will call for a motion to approve or disapprove this matter. Mayor Urlacher encouraged the residents to present any new information.

It was moved by Trustee Sheldon, seconded by Trustee Brennan 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).

Village Attorney Ferolo said that a suggestion was made at the Committee of the Whole Meeting that buildings not be allowed on the northern portion of the property. The only new buildings approved for this lot would be for equipment related usage for equestrian purposes or maintenance sheds, covered under the Condition H to the ordinance. Mr. Ferolo also addressed Jess Ray's concern of the dual purpose of this arena being used for banquets and weddings. The Special Use Relief component for this location is very specific and has been categorized as "structure changes." The structure changes that have been recommended by the ZPA unanimously relate to the addition of the existing indoor riding arena of approximately 13,268 square feet arena, an open air coverage structure horse running of approximately 643 square feet, designated construction access driveway, and a variation from of 15% of lot coverage maximum of the zoning ordinance to allow 16.05% lot coverage. If the relief granted by this ordinance is approved, the arena is only allowed for uses to this location based on approved events set from ZPA. At this point in time, Mettawa does not allow weddings or other events to be held as part of the business. This was part of the equestrian club component that has been withdrawn. Mr. Ferolo added the site plan in which Jess Ray refers to has a different language that arena will be used for dual purpose arena and secondary use for banquets. The exhibit does not change what the ordinance allows and what the zoning code allows for. He said if there is concern about the exhibit, an additional section could be added to the ordinance as follows,

the site plan referred to the architectural plan does not allow for uses inconsistent with the zoning ordinances or with the special use ordinance.

Trustee Brennan said, she would like the additional language in the ordinance. She added that getting the 15 acres of open space is beneficial to the town.

Trustee Towne explained the quid pro quo is the 15 acres includes the area north of the arena which will be preserved as open lands and horse related activities. He said it was a great trade off and a win-win. This provision will allow the town to continue to keep the land open. Additionally, the arena expansion will still be under the allowable 30,000 square feet. Trustee Brennan said the building expansion is an attachment; therefore this is not considered a second arena. Trustee Sheldon commented it is one continuous arena. Trustee Brennan said, any future owners, 20 years from today will need to follow the ordinance in which the 15 acres will need to remain as open space.

Village Attorney Ferolo requested there be a motion to amend the current motion with the condition in Section 3, Paragraph I to read as follows: The purposed site plan in the language contained there on does not allow for uses inconsistent with the zoning code, the village code or the special use ordinance.

Trustee Sheldon moved, second by Trustee Brennan to amend the motion with, the condition in Section 3, Paragraph I to read as follows: “The purposed site plan in the language contained there on does not allow for uses inconsistent with the zoning code, the village code or the special use ordinance.”

Trustee Pink thanked the ZPA for the all the work they have accomplished. She also thanked Trustee Towne for taking on the idea of the open space and running with it. She thanked Ed and Kristen Casas for the amazing gift of the land. Trustee Brennan agreed with Trustee Pink.

Upon a call of the roll, the following voted:

Aye: Trustees Brennan, Pink, Sheldon and Towne

Nay: None

Abstain: Maier

Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried.

3. NEW BUSINESS

a. Approval of an Ordinance Amending and Restating a Special Use Permit for a Large Stable for Property Known as 25575 St. Marys Road, Mettawa (Application filed by William O'Donnell and Lezlie Reghan O'Donnell, Zoning, Planning and Appeals Docket 16-SU-S-3)

Village Attorney Ferolo advised that Trustee Brennan had asked to what extent approval would set precedence. He explained each Special Use Permit has to stand on its own. Every Special Use has to prove it meets the seven code standards. Each property request for the Special Use is deemed unique. Each property owner needs to make their own case for a Special Use Permit.

Trustee Pink suggested that the landscaping would help to improve the looks of the barn for the neighbors. Mayor Urlacher added that two residents brought it to his attention that the south side of the barn needs to be dressed-up. The surrounding neighbors would like some additional landscaping to be completed.

Trustee Sheldon said the O'Donnell's had offered a provision where the changes would not run with the property. Village Attorney Smith said the Board's direction at the last meeting was not to include this provision.

Rich Fantus, resident, asked, what is the definition of horse activities? With the new amendment which was just approved, residents are allowed commercial activities on the property as far as boarding. The new amendment is going against the ZPA recommendations. He asked for clarification of horse activity, relating to boarding a horse. Village Attorney Smith said the Village does allow horse boarding in 2 circumstances where a use has been annexed into the Village, which had preexisted and specifically being allowed by Special Use Permit. The Village has allowed the limited boarding of horses under the Special Use Permits. Mr. Fantus asked, does the Special Use Permit state that commercial is not allowed? Village Attorney Smith said, the original Special Use Permit did state no commercial use of the property would be allowed. Later the owner sought an amendment to board horses through the zoning process.

Trustee Brennan said that Pegaso Farm was granted 50% of the horses to be boarded. Mayor Urlacher said there are 24 stalls and 12 can be boarded.

Trustee Maier added his concern about use of the large farm. The owner told us in 2014 the land was intended for private use of horses. The owner had boarded 3 horses and now he wants 6 boarding horses to support his farm. Trustee Maier would like to address how to manage commercial activity versus private use. How does the Village monitor the future owner's special use or limitation of commercial horse activity?

Trustee Brennan asked if the special use runs with the property. Village Attorney Ferolo said that it does, and added any new owners would need to apply for a new Special Use Permit, if they wish to make any changes. Trustee Brennan said she did not think 6 boarding horses was too large at the number for the property. Trustee Maier said he was concerned about what a future owner might do with the property by increasing the number of boarded horses.

Trustee Brennan said that she had reviewed old Village files at the Tindall house and it is clear that the boarding of horses has been part of the Village since our early days. In the late 1990's the boarding of horses was not viewed as a commercial activity even though there is an change of dollars.

It was moved by Trustee Sheldon, seconded by Trustee Brennan approval of Ordinance Amending and Restating a Special Use Permit for a Large Stable for Property Known as 25575 St. Marys Road, Mettawa (Application filed by William O'Donnell and Lezlie Reghan O'Donnell, Zoning, Planning and Appeals Docket 16-SU-S-3)

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried.

b. Approval of an Employee Leasing Agreement with GOVTEMPUSA, LLC for the Village Clerk Services

It was moved by Trustee Towne, seconded by Trustee Brennan, the approval of an Employee Leasing Agreement with GOVTEMPUSA, LLC for the Village Clerk Services.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried.

I. EXECUTIVE SESSION

At 8:05 p.m., it was moved Trustee Maier, seconded by Trustee Towne to adjourn the meeting to Executive Session to discuss land acquisition and review of executive session minutes.

Upon a call of the roll, the following voted:

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

Mayor Urlacher declared the motion carried.

J. CALL TO RECONVENE

At 9:27 p.m., Mayor Urlacher reconvened the public portion of the meeting.

K. ROLL CALL

Upon a call of the roll, the following were:
Present: Trustees Brennan, Maier, Pink, Sheldon, Towne and Mayor Urlacher
Absent: Trustees Armstrong

Mayor Urlacher declared a quorum present.

Also present: Village Administrator Bob Irvin, Village Clerk Sandy Gallo and Village Attorneys Jim Ferolo and Greg Smith of Klein Thorpe and Jenkins

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 role, the following voted:
In Favor: All
Opposed: None
Absent: Trustee Armstrong

Mayor Urlacher declared the motion carried and the meeting adjourned at 9:28 p.m.

Sandy Gallo, Village Clerk