

**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 DECEMBER 17, 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, Sheldon, Towne and Mayor Urlacher

Absent: Trustee Pink

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorney, Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Financial Consultant, Dorothy O'Mary; Village Treasurer Carol Armstrong and Representative from James Anderson Company, Scott Anderson

**C. APPROVAL OF MINUTES:**

**Board Meeting Minutes: November 19, 2019**

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

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

**D. APPROVAL OF BILLS**

Trustee Maier reported the amount for bills to be paid this month is \$ 119,072.40.

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

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

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

**E. TREASURER'S REPORT**

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

It was moved by Trustee Brennan and seconded by Trustee Bohm that the Board acknowledges receipt of the November 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, Sheldon and Towne

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

**F. PUBLIC HEARING**

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

Resident, Jess Ray (350 Little Melody Lane) said he wanted to discuss two ZPA matters that were listed on the agenda. Mayor Urlacher responded this section of the agenda is only for matters that are not listed. Mr. Ray said he would hold his questions for a latter time.

Resident, Tom Heinz (27157 N. St. Marys Road) said he mentioned at the last Board meeting the concept of placing solar panels on the 20 acres church property. This would allow the Village to provide free energy to the entire Village. Trustee Towne said he is currently researching companies that support solar panels to better understand their benefits.

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

**1. Finance Committee**

a. Recommendation for Approval of an Ordinance Authorizing the Levy and Collection of Taxes for the Corporate and Municipal Purposes of the Village of Mettawa for the Year 2019

Trustee Maier said the Finance Committee reviewed and approved this tax levy. The corporate levy has remained unchanged for 20 years in the amount of \$135,000.

b. Recommendation for Approval of an Ordinance Abating Certain Additional Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 692 for the Year 2019

Trustee Maier commented this ordinance is the 2011 Obligation Bond required payment every year. The Finance Committee approved of this ordinance.

c. Recommendation for Approval of an Ordinance Closing Out Mettawa SSA#2 and Providing for a Refund of Surplus Funds

Trustee Maier said this ordinance is addressing the overage of funds remaining in the SSA#2 retired account. The surplus funds will be refunded to the 5 business owners minus \$2,000 to be used for processing fees. Trustee Sheldon asked if the Village would be receiving any portion of the surplus amount. Trustee Maier replied no, the Village's property is tax free.

d. Recommendation of an Ordinance Amending FY2019-2020 Budget

Trustee Maier said this budget ordinance is being amending to address the CPI function increase in SSA#3 in the amount of \$1,300.

e. Recommendation to Retire the 2011 G.O. Bonds

Trustee Maier said he is pleased that former Mayor Jess Ray was in the audience to hear the Oasis Park property that was purchased in 2011 for \$1.9 million was being recommended to be paid off. The purchase was completed as a general obligation bond through Lake Forest Trust Bank. Trustee Maier mentioned with the Village's current AA1 financial rating, debt free and \$9 million in the account, the Village is financially strong.

f. Update on the Property Assessment in the Village

Trustee Maier said many residents have already received their property assessments from Lake County. Trustee Maier and Trustee Towne will be exploring and researching the Lake County results and determining what the Village can do to support the residents' received assessments.

g. Other Matters

**2. Public Works Committee**

a. Other Matters

Trustee Towne commented that the Public Works Committee did not meet in December. Trustee Towne asked Village Engineer Scott Anderson if he could provide the Little St. Marys Road ditch update. Village Engineer Anderson said

JULIE completed their marking of this area; however, the weather has not been ideal to dig.

**3. Parks and Recreation Committee**

a. Other Matters

Trustee Sheldon said all 55 tree plantings at Oasis Park have been completed. We met with a few restoration companies, ILM and Native LLC. Trustee Sheldon and Trustee Bohm have been working closely on the Oasis Park restoration plans to be ready for the spring season. The company recommendations will be discussed at the next Committee meeting.

**4. Safety Commission**

a. Sheriff Annual Report Presentation by Sergeant McKinney

Sergeant McKinney said the Village averages 150 service calls per month. The Village had 3 reported theft incidents for 2019. The highest service calls are related to car accidents and home alarm calls. Sergeant McKinney indicated Mettawa is a very safe Village.

b. Status and Activity Update

**5. Zoning, Planning and Appeals Commission Report**

a. Recommendation from the ZPA to Adopt Amendments to the Village of Mettawa Zoning Code

Mayor Urlacher announced he would like to make a motion to table three items that are listed on the Board agenda. The items listed under ZPA letter a and under the Mayor's agenda letters b and c. Mayor Urlacher said these agenda items will be discussed at a future meeting.

A motion was made to table the three agenda items, under ZPA the letter a and under the Mayor's Report letters b and c. The motion was made by Trustee Brennan and seconded by Trustee Bohm.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

b. Discussion Regarding the Findings of Facts and Recommendation of the Zoning, Planning and Appeals Commission for Docket 19-SU-S-1: 27555 N. Penny Lane, Mettawa, Illinois-Application for a Special Use for a Guest House

Mayor Urlacher asked the Village Attorney to provide a summary of the special use recommendation for the Hirata guest house. A consensus will be needed tonight to be determined if the Village Attorney will be drafting an ordinance approving the ZPA's recommendation or denying the special use request.

Village Attorney Rhodes said a special use application was filed for the property located at 27555 N. Penny Lane for a guest house. The subject property is approximately 5 acres with a resident home of 5,543 sq. ft. The garage that was originally constructed in 2016 was 1,776 sq. ft. The applicant at some time converted a portion of the garage into living space without a building permit nor requesting a special use. The applicant has now applied for a permit. The applicant's daughter indicated it was the applicant's son who did the conversion without the permit. The applicant desires to make her property conform to the zoning codes of Mettawa. The ZPA reviewed the application and determined the garage was constructed in accordance with Village codes and setbacks coverage. The ZPA made a motion to approve the application for a special use permit with conditions. The list of conditions can be found on the KTJ memo dated November 26, 2019.

Mayor Urlacher indicated the Trustees will need to determine a consensus on the ZPA's recommendation.

Trustee Towne questioned if the 1<sup>st</sup> condition of 30-days to complete the drawings was too short of a period for it to be accomplished. Mr. Heinz is working with the applicant. Village Administrator Irvin said at the public hearing the applicant confirmed they can honor the 30-day period. Mr. Heinz replied they can meet the deadline given the 30-days start period begins after the January 21<sup>st</sup> Board meeting.

Trustee Brennan asked how can we entrust that this applicant will not rent out their space. Village Attorney Rhodes said guest houses are allowed in the Village. Trustee Towne commented the family had encountered issues and a new contractor had to be hired to finish the house construction. Trustee Brennan questioned if the special use permit for the guest house will remain with the property. Village Attorney Rhodes confirmed yes. Trustee Bohm asked if the guest house would have been approved if the applicant had submitted their request from the start. Trustee Towne said no. Village Administrator Irvin corrected the subdivision covenants does allow guest houses. Village Attorney Rhodes said if the Village determines that this space is being rented out, the special use can be revoked in court.

The consensus was to approve the ZPA recommendations with the conditions, 5-0.

c. Recommendation from the ZPA to Address Building Without a Permit in Mettawa

Village Attorney Rhodes said this matter of building without a permit was discussed at the last ZPA meeting while addressing a special use application. The Commissioners would like to determine how the Village should govern residents constructing without the benefit of a permit. The ZPA would like to receive direction from the Board on how to discourage this behavior of a permit omission. Trustee Towne commented that seeking a building permit after something has been built can be an issue when the Board has the right to deny the construction plans.

Village Administrator Irvin added the current Village fines for seeking a permit after construction is not substantial. As a result, the ZPA is looking to secure a considerable fine to be established to reduce the after the fact permit requests. Village Administrator Irvin said he can look into what fines other towns charge regarding this matter. Village Administrator Irvin added fines can only be adjudicated by a judge in court. The Village could consider establishing a fee provision when an applicant submits for a permit after the construction was started.

Trustee Brennan asked what types of fees were charged to Novak during his construction with no permits. Village Clerk Gallo said she will look into prior meeting minutes to determine what fines Novak was charged.

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

**1. Mayor's Report**

a. 2019 Second Review of the Executive Session Minutes

Mayor Urlacher said it is required by state law that the Village review their Executive Session Minutes two times each year for a possible release. At this time, no minutes will be released.

b. Consideration of the Amendments to Chapter 12 of the Village Code of Ordinances Regarding Animal Regulations

This agenda item has been tabled for a later meeting.

c. Consideration of an Amendment to the Village Code of Ordinances with Respect to Fees, Fines and Penalties

This agenda item has been tabled for a later meeting.

d. Building Report

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

e. Other Matters

f. Village Administrator's Report

Village Administrator Irvin said the 2020 Census will commence in April. A notification will be sent to the residents letting them know the application is available online this year. Residents will be reminded the population count is extremely relative to state share of revenues.

**2. UNFINISHED BUSINESS**

**3. NEW BUSINESS**

a. Approval of an Ordinance Authorizing the Levy and Collection of Taxes for the Corporate and Municipal Purposes of the Village of Mettawa for the Year 2019

It was moved by Trustee Maier and seconded by Trustee Bohm to approve the ordinance authorizing the levy and collection of taxes for the corporate and municipal purposes of the Village of Mettawa for the year 2019.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

b. Approval of an Ordinance Abating Certain Additional Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 692 for the Year 2019

It was moved by Trustee Maier and seconded by Trustee Brennan to approve the ordinance abating certain additional taxes levied by the Village of Mettawa pursuant to ordinance no. 692 for the year 2019.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

c. Approval of an Ordinance Closing Out Mettawa SSA#2 and Providing for a Refund of Surplus Funds

It was moved by Trustee Maier and seconded by Trustee Bohm to approve an ordinance closing out Mettawa SSA#2 and providing for a refund of surplus funds.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

d. Approval of an Ordinance Amending the FY2019-2020 Budget

It was moved by Trustee Maier and seconded by Trustee Bohm to approve an ordinance amending the FY2019-2020 budget.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

e. Approval of the Recommendation to Retire the 2011 G.O. Bonds

It was moved by Trustee Maier and seconded by Trustee Bohm to approve the recommendations to retire the 2011 G.O. Bonds.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

f. Approval of the Resolution Approving the Release of Certain Executive Session Minutes of the President and Board of Trustees of the Village of Mettawa

It was moved by Trustee Maier and seconded by Trustee Towne to approve the resolution approving the release of certain executive session minutes of the President and Board of Trustees of the Village of Mettawa.



Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried.

g. Approval of an Ordinance Amending the Provisions of the Village of Mettawa Code of Ordinances, Chapter 15, Zoning Regulations

This agenda item has been tabled.

h. Approval of an Ordinance Amending the Village of Mettawa Code of Ordinances, Chapter 12, Animal Regulations

This agenda item has been tabled.

i. Approval of an Ordinance Amending the Village of Mettawa Code of Ordinances with Respect to Fees, Fines and Penalties

This agenda item has been tabled.

**J. EXECUTIVE SESSION**

**K. CALL TO RECONVENE**

**L. ROLL CALL**

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

**N. ITEMS TO BE REFERRED**

**O. FOR INFORMATION ONLY**

**P. ADJOURNMENT**

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

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pink

Mayor Urlacher declared the motion carried and the meeting adjourned at 8:06 p.m.

Sandy Gallo, Village Clerk