

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON MARCH 2, 2020 IN THE SAVANNA 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 7:00 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

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

Absent: None

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorney, Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Zoning, Planning and Appeals Chairman, Joe Krusinski; Arista Strungys of Camiros Ltd.,

Mayor Urlacher stated he received an outpouring of full support from the residents and the majority of the Board members to continue as the Village Mayor. As a result, he will continue to serve the Village as the Mayor.

C. UNFINISHED BUSINESS

Continuation of Consideration of the Recommendation from the ZPA to Adopt Amendments to the Village of Mettawa Zoning Code

The Mayor indicated this is the second meeting being held to review the recommendations made by the ZPA to the zoning code, amendments to the Chapter 12 ordinance regarding animal regulations and the amendments to the ordinance with respect to fees, fines and penalties schedule. At the February meeting, the Board reviewed Articles 1-3. This meeting will begin with discussion of Articles 2 and 3 prior meetings proposed changes and then proceed to Articles 4, 5 and 6. Mayor Urlacher stated that the public will be allowed to make public comment; however, those comments will be limited to the articles being discussed.

Mayor Urlacher asked the Village Attorney to address a comment that was raised at the last special meeting by a resident with respect to whether the ZPA's meetings followed the proper procedures during their public hearings. Mayor Urlacher indicated that he appreciated residents wanting to make sure that proper procedures were followed.

A point of order was raised by Trustee Towne. Trustee Towne asked why the February 2nd special meeting minutes were not being presented for approval. Trustee Towne said he would like to reference the meeting minutes comments for today's meeting. Village Clerk Gallo

replied the February 2nd meeting minutes will be presented at the March 17th Regular Board meeting. This is the procedure that has been followed in the past.

Trustee Towne stated he would like it noted that at this Board meeting that meeting minutes were not provided. Trustee Towne said he would like to reference the changes and comments that were made at the February meeting.

Mayor Urlacher asked Village Attorney Rhodes to proceed. Village Attorney Rhodes indicated at the February meeting comments were made about the ZPA's procedures and if the procedures were constitutional. In 2002, the Illinois Supreme Court decided the case of Klaeren v. Village of Lisle and set forth the requirements for due process for hearings, including zoning hearings. The Illinois Supreme Court determined 3 things are necessary for zoning hearings to be constitutional; the public notice, the opportunity to ask questions from witnesses, and the opportunity to speak and provide testimony during the meeting. Village Attorney Rhodes said after reviewing the process in which the ZPA conducted their public hearings, he determined no constitutional violations had occurred. Notice was not only completed in accordance with state law, but notice was provided above and beyond state requirements. All members at the public hearing were allowed to ask questions, article by article. No individuals were denied the opportunity to comment or to provide their testimony at the meeting. There is no legal requirement under either state or federal law that a roll call be taken to open or close a public hearing. The meeting was opened by the Chairman, a roll call was taken to open the meeting. The transcripts from the court reporter show every member present at the public hearings. A review of transcripts from prior zoning public hearings dating back in 2011 was conducted and found that the procedure in those hearings were consistent with the public hearing procedure in this matter.

Mayor Urlacher mentioned this meeting will start with Article 2. The Trustees were provided two weeks to review Articles 2 through 6 and submit their changes to the Village Clerk.

Trustee Towne asked to start with Article 1. The Board only reviewed up to Letter J in Article 1 at the last meeting. Mayor Urlacher indicated that the Board would start with Article 1.

Article 1:
Section 1.2

Letter B. The Board's consensus was to include the phrase "and maintain Mettawa's rural residential character." Trustee Maier said in the Village history prepared by a prior Trustee Jack Tindall, the original intent was to have a rural nature. To include the equestrian word, creates a precedent to equestrian life. Trustee Bohm agreed with Trustee Maier. Trustee Towne suggested the change to include "rural agriculture character." Chairman Krusinski said on page 23 of the Comprehensive Plan, under Village Character Goal 1 states, "to retain the unique qualities of the rural residential environment." Trustee Sheldon mentioned at the last meeting, a new definition for agriculture was going to be presented. Trustee Sheldon asked the Village Attorney for the procedures on the comments being asked regarding this document. Village

Attorney Rhodes said comments to the ZPA recommendations were submitted by 3 Trustees and the Board recommendations will be incorporated into the final zoning code document.

Letter C: Trustee Towne suggested that the provision read “Establish” zoning districts. Ms. Strungys said the language within this letter is the standard wording used within the State of Illinois. Trustee Brennan stated we hired a professional to review and provide us guidance on these changes. Trustee Towne commented the Village needs to establish the zoning districts. Trustee Towne indicated no zoning maps were presented at the public hearings. Trustee Brennan suggested, “divide village into the established zoning districts.” Chairman Krusinski asked Ms. Strungys what if a zoning district is not established. Ms. Strungys said once a district is established, then the property may be rezoned to the district and it will be added to the map. The Board consensus was to state: establish zoning districts.

Letter I: Trustee Towne proposed to remove the words, systems, treatment and disposal. Trustee Towne also suggested adding the words public safety, police and fire protection. Village Attorney Rhodes commented this document is zoning code and police or fire protection are not legislated within a zoning code. Stormwater is regulated by the Lake County Stormwater which is located in a different ordinance. Ms. Strungys said Letter A provides for promotion of the public health and safety. Including police and fire protection in Letter I would be redundant.

The Board consensus was to strike the terms public safety, police and fire protection from Letter I. Trustee Sheldon said she is fine omitting these words because they are already included in Letter A.

Under 1.3 Applicability

Letter A. Trustee Towne said he would like to add lots and buildings to this section. Ms. Strungys said these words are already covered in different areas. Trustee Bohm mentioned he respects Ms. Strungys credentials and upholds her suggestions being made to this document. Commissioner Leonard added the changes that were made to this document include standardized writing for zoning.

The Board consensus was not to include the words lots and buildings in Letter A. Trustee Towne mentioned the definitions for these two words are different. Trustee Towne commented he attends the Around the Town meetings and he references these words often and they create ongoing issues. Trustee Towne stated that he would yield his time to the public.

Resident, Lutz Schlitch (27455 N. Meadowoods Lane) said we need to protect Mettawa’s special standards that differentiates us from other municipalities, even if that means having a different language in our code.

Trustee Bohm said we all moved to Mettawa because its unique. The Board and Commissioners goal is to keep Mettawa’s uniqueness and we have no other motive.

Resident, Jess Ray (350 Little Melody Lane) said zoning can be seen as the articulation of the philosophy for the community. This community is made up of agriculture, horse, animal and environment. The current Village Code prohibits animals, but residents have violated the ordinance and had illegal animals in the Village. Mr. Ray asked the Mayor what his philosophy was for the community. Mayor Urlacher said he will provide his Village philosophy at the end of the process. Mr. Ray read part of Village Attorney Rhodes' memo regarding the animal regulations. Mr. Ray said he is against the proposed zoning changes.

Letter C: Trustee Towne said he would like to remove this whole paragraph.

Resident, Judy Friedman (25310 St. Marys Road) said she would like to increase our property values and not decrease them. Ms. Friedman stated she does not believe Ms. Strungys has the credentials required for Mettawa's zoning changes.

Resident, Tom Lys (25300 N. Nektosha Way) read his letter to the Board. This letter has been placed on file. Mr. Lys is against the ZPA recommendations.

Trustee Pink added the Board's review of this document has no direct impact on property values. Trustee Pink commented to Mr. Lys, when Mr. Lys was running for mayor, he mentioned the zoning code was too loose. Mr. Lys replied the Board sold out the Village to Always Faithful.

Resident, Roberta Bohm (600 W. Riverwoods Road) commented on how she loves living in Mettawa.

Resident, Bob Price (15172 W. Old School Road) said the Mayor received \$10,000 from Always Faithful for his mayoral race.

Trustee Towne made a statement regarding a comment Trustee Bohm made.

A number of comments were made by individuals who spoke from the crowd who were not recognized by Mayor Urlacher. Due to the loudness in the room, these comments were not able to be heard on the recording.

D. NEW BUSINESS

E. ADJOURNMENT

A motion was moved to adjourn. It was moved by Trustee Brennan and seconded by Trustee Maier that the meeting be adjourned.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier and Pink

Nay: Trustees Sheldon and Towne

Absent: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 8:04 p.m.
Sandy Gallo, Village Clerk