

## June 27, 2006 Regular Board Meeting Minutes

### **June 27, 2006 Regular Board Meeting Minutes**

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Ted Mueller at 7:20 p.m.

Deputy Chief Dan Burch led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Ted Mueller, Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Deputy Clerk Debbie Zwicker, Building Official Russ Kraly, Public Works Supervisor Jeff Gately, EMA Coordinator Mark Gottsacker, Deputy Chief Dan Burch and Village Attorney Derke Price

### **Establishment of quorum**

Mayor Mueller stated he will be asking for a motion to go into executive session to discussion litigation issues.

### **Agenda Approval**

Trustee Stilz III motioned to approve the agenda; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

Motion carried.

### **Public discussion and/or comments from the floor:**

Margaret Bucich, 89 E. Haines Drive, Hainesville, IL 60030 – expressed her concern about getting a walking path, it is vital to get something there. Mayor Mueller stated that we do have a recent preliminary cost study to extend the path from Washington Street to Route 120 with the potential of a matching grant. Last week the mayor spoke to a resident who has grant writing experience and is willing to assist us in writing a grant. The mayor stated this is the first that the Board has heard this. Trustee Stilz III stated that this area is narrow and maybe you could put a path in between the two houses and Walgreens. Trustee Stilz III stated that cars are going fast, there is a safety issue. Mayor Mueller stated we will be looking into this.

Douglas Williams, 154 Tall Oak Drive, Hainesville, IL 60073 – stated he jogs and has a few concerns about the town homes. There are a lot of for sale signs and at least four foreclosures. What can the village do regarding renting out the town homes and do you have to be notified and are you notified with the single family homes that are rented out. He feels there is a change in the village which is not for the better. Mayor Mueller stated we do require an occupancy inspection before a house can close. Our ordinance does prohibit multi-families living in a single family home. Attorney Price stated the village has exercised as much control as one can exercise. You can not discriminate on the basis of income, rental property; you can't say you can't rent homes in the Village of Hainesville; this is Federal law. Trustee Walkington asked can the association control the rental units. The Mayor stated that Sally Rothbart, the Cranberry Lake Association President is here. Sally stated that the association requires leases and the percentage is 15% of total owned, and there are 252 units 35 can be rented. They are in constant litigation for people who do not pay their assessments. Discussion took place.

Brad Bensman, 344 N. Patriot Drive, Hainesville, IL 60030 – commented he is in agreement with Margaret regarding the walking path. He feels it is important to have a sidewalk there. He wondered if people could mow behind the fence to make it look nicer. Mayor Mueller stated there are some major engineering issues, but they will look into this.

### **Omnibus Vote Agenda**

A Motion to Approve the June 13th, 2006 Regular Board Meeting Minutes

Trustee Walkington motioned to Approve the Omnibus Vote Agenda; seconded by Trustee Bonds.

Discussion by Trustee Genender would like it noted that on page 5, third line please add: if you are arrested for a DUI or suspended or revoked. Also on page 6 under Smoking Ordinance Discussion, last line under resident survey should read a general survey.

Roll Call:

Ayes: Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

Motion carried.

### **Reports and Communications from Mayor and other Officers:**

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### **Mayors Report**

Mayor Ted Mueller stated that last Tuesday he attended an IDOT all day seminar called "Context Sensitive Solutions for Local Agencies" which covered the procedures that municipalities would follow when entering into an IDOT project. The mayor has the book if you would like to look at it. We are members of the CenCom Jets Board and today at our meeting it was announced that the Leads Audit of our unit received a perfect score. This audit is conducted every three years. Clerk Metzler has emailed a post out to the clerks regarding the DUI Ordinances. We are collecting information and hopefully will have something to present to the Board for discussion at the next board meeting.

In addition we had a meeting with the Tall Oak Drive residents to discuss the encroachment issue and will defer that to Attorney Price when he gives his report.

### **Clerks Report**

Clerk Kathy Metzler had nothing to report.

### **Treasurer Report**

Treasurer Kelly Hensley reported our auditor Leynette Kuniej with Ogorek & Associates was in our office at the end of May. We do need one more day in the next couple of weeks so we can get the audit presented to the Board.

The Finance Committee is having a special meeting Thursday night, which was posted earlier today, regarding the appropriation ordinance which is about 90% complete. Kelly will present this to the Board on July 11th and then will post it for public display, request a Public Hearing for July 25th, at 6:30 p.m. and up for adoption later that night. The mayor thanked Kelly.

### **Police**

Police Deputy Chief Dan Burch presented to the Mayor and Board a framed picture from the Round Lake Area Queens and thanked the village for everything they did for this years pageant.

There will be a police friendly roadside safety check this weekend at Route 120 and Route 134 at 10:00 p.m. to 3:00 a.m.

The police also had a Leads Audit last week and was also in 100% compliance.

Fireworks Ordinances will be strictly enforced with zero tolerance. Citations will be issued which may require court appearances. The mayor stated there are no fireworks sold in the Village at this time.

Trustee Stiliz II stated that Mr. Lesnick, who is in the audience, came before the Board at the last meeting and asked about the police car speeding on May 30th at 5:00 p.m. Trustee Stiliz II would like to know what was going on. Deputy Chief Burch stated that he did receive the request to look into that. We won't disclose employee related issues in a public setting like this. Deputy Chief Burch would be happy to talk to Mr. Lesnick after the meeting.

### **Building Official**

Building Official Russ Kraly stated you have my report.

### **Public Works Supervisor**

Public Works Supervisor Jeff Gately notified Chip with RHMG that we want to start with the MFT repairs. Chip and Jeff will get together late this week or next week so we can go out and highlight some areas that we can start working on this year. By the next meeting we will have a course of action to get blessed at the next Board Meeting.

Jeff is caught up with mowing. Bob Irvine is back in town and they will put the signs up on the bike path at Cranberry Lake.

We also are going to start looking at the entrances and figure out a plan to get those replanted and spruced up. Most of them have been weeded.

### **EMA Coordinator**

EMA Coordinator Mark Gottsacker reminded everyone about the weather season and to watch the skies for tornados.

### **Attorney**

Attorney Derke Price stated we had a meeting last night with the Tall Oak Drive residents regarding the Cranberry Lake encroachment and the enforcement issues. The Village will take action to remove the encroachments from its property although the conservancy easement extends into each of the properties along Tall Oak Drive which backs up to the Villages outlot

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Cranberry Lake. The Village isn't going to take action to restore the natural plantings on other people's property. The Village will take action necessary to allow that to happen on its own property. If things are not removed or taken care of by the individual property owners, the Village will do it and seek reimbursement from those property owners and if necessary will lien their property. This is the approach the Village is taking. The air has been cleared and the next step will be for us to restake the property line of the Village and move on.

With the respect of the DUI Ordinance; the Village has a DUI Ordinance in place that we are enforcing and prosecuting now on your behalf which you are getting money for. Trustee Genender is looking at having added the impoundment issue for your consideration at the next meeting.

Finally, most of you worked very closely with Bob Rolek before his untimely death, and also worked with Senior partner Keri-Lyn Krafthefer. Keri-Lyn's name has been added to the firm name and stated she is here. This is old home week between Mayor Soto and Keri-Lyn.

### **Reports of Standing Committees:**

**Finance** – Trustee Walkington had nothing to report.

**Public Safety** – Trustee Gottsacker reported that National Night Out is in August. It is the first Tuesday of the month over at the park at Union Square. Please make plans to come and attend. Trustee Walkington left the Council Chamber at 8:47 p.m.

**Grant Procurement** – Trustee Genender stated we continue to work on the Illinois Habitat fund which is due August 1st for the amount up to \$2,000 which can be applied to next year to help with the removal of Buckthorn. Trustee Stilz III and Trustee Genender walked around Cranberry Lake yesterday and with one third of the removal of the Buckthorn, there is a big difference. Mayor Mueller would like to get together with the Grant Committee regarding the path. The mayor has information that he would like to turn over to the Grant Committee including the name of the resident that is interested in assisting us.

Trustee Walkington re-entered the Council Chamber at 8:51 p.m.

**Village Hall Landscaping** – Mayor Mueller stated there are still major issues that we have to deal with. They have not been paid yet, one of the willow trees has borers which will have to be replaced and one of the river birch trees has a few dead branches which has to be replaced. We will have them clean it up, otherwise it looks good.

**Public Works/Public Property/Open Spaces** – Trustee Stilz II regarding the water tower, we had a meeting today with Marcia McCutchan and she will have all the documents ready for bid September 15th to be read on October 15th so we can repaint on April 15th 2007.

There have been comments about the fact that the path has gone bye bye around Cranberry Lake. One of the major reasons is a lot of people have encroached in the outlot and the other issue is all the wheeled vehicles that should not be on the path which includes baby carriages, bikes and four wheeled vehicles. The fact that the signs will go up for pedestrian traffic only, Trustee Stilz II would like to remind everyone if you see someone on a bike, please advise them not to. To redo that path on a yearly basis is about \$15,000.

### **Business**

#### **Mayors Veto of Ordinance #06-06-68 – Discussion Only**

Mayor Mueller stated at the last Board Meeting this Ordinance is authorizing the village to enter into agreements with commercial property owners to regulate traffic was amended and approved as amended. Mayor Mueller vetoed this ordinance because as it was originally written provides for a single ordinance to simplify the process of entering into a traffic agreement with a private property owner, developer, or a strip center. The way it was amended requires us to pass an ordinance each time it is necessary to enter into this agreement. The mayor did veto the ordinance and the process is, it is open for discussion tonight and at our next board meeting the ordinance will appear on the agenda in two places, one for the Board to override the veto if they wish, if it is overridden then it stands, and if the veto is sustained or upheld then we will vote on the ordinance as it was originally written.

Trustee Stilz II stated they didn't pass an ordinance that every time you entered into an agreement you had to pass another ordinance. All we said was that we wanted the ability to approve the agreements rather than have one person spend the village's money. Mayor Mueller stated it isn't a case of spending money; the matter is, say if Union Square wants us to enforce our traffic regulations, that is private property; we have to enter into an agreement with them.

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Trustee Stiliz II stated we have to pay for the improvements, the mayor stated we don't have to. Attorney Price stated the improvements would only be signage typically. We are enforcing on private property traffic restrictions, not parking in a fire lane etc. Attorney Price stated that the mayor is just trying to get these things done to make it less costly and less of a process for improvement. The budgets for improvements are not large. We won't be putting in any speed bumps etc. just mainly an enforcement question of the traffic regulations to a private piece of property for shopping. These are frequently done the way Jerry Dietz drafted it and the Board saw fit to amend it and this is a policy disagreement between the Mayor and the Board. Trustee Stiliz II stated no money from the village will be spent other than to have enforcement. Attorney Price stated that pavement markings and signage is usually paid for by the private developer. Union Square will have to pay for the cost of any extra signage, no parking signs, pavement markings for fire lanes etc. Mayor Mueller stated if they want us to enforce these issues, yes. The signs that are up at the Union Square on the fire lane columns were furnished by the developer and we put them up.

Attorney Price stated that all the ordinance does is allows the enforcement of traffic regulations on big asphalt parking lots. Trustee Genender asked about handicap parking without this agreement can a ticket be written. Attorney Price stated it is state law that they can ticket for handicap parking. Trustee Genender stated we should let the businesses know that the handicap signs are wrong and the mayor stated he is working with Walgreens. Trustee Genender stated the police can go on the property for a handicap parking ticket but if someone blows a stop sign, they don't have the authority to issue a ticket for that. Attorney Price stated this is correct, this isn't a village street. Trustee Walkington stated it is in the best interest of the private property owner to sign this agreement. Discussion took place. Mayor Mueller stated the purpose behind the veto going back to the original ordinance written, is to eliminate the necessity for a separate ordinance each time we want to enter into this agreement. So the way the ordinance was amended we will have to have a separate agreement. Trustee Genender asked if there would be an additional charge for the police to go through and ticket, Attorney Price stated this will be part of their patrolling.

### **Ride for Kids Donation**

Trustee Gottsacker stated that Kevin Barrett couldn't be here tonight. The Village has been donating for several years. Motorcyclists do a ride for the Pediatric Brain Tumor Foundation. This is for a good cause, last year they raised close to \$390,000. in the Chicago chapter and is asking the Village to donate again this year. Last year the village donated \$200. and Mayor Mueller is recommending that we do the same again this year. The mayor asked for a motion to donate \$200. to the Ride for Kids. Trustee Genender asked what we normally donate to other charities. Mayor Mueller stated it varies from \$50. to \$100.

Trustee Walkington motioned to donate \$200. to the Ride for Kids; seconded by Trustee Stiliz III. Attorney Price stated you are donating to defray municipal expenses through an intergovernmental agreement. You are not donating to charity per say. You are authorized through the intergovernmental corporation donation to defray certain expenses associated with the ride.

Roll Call:

Ayes: Trustees Walkington, Stiliz III, Genender, Bonds, Stiliz II and Gottsacker

Motion carried.

The mayor presented his personnel donation check to Trustee Gottsacker.

### **Approval of Special Use Permit for two drive thru facilities as well as a subdivision plat for two outlots in conformance with the Cranberry Lakes Development Agreement and PUD Agreement**

Attorney Price stated that these conditions are due to the requests by Trustee Walkington and Trustee Genender.

Mayor Mueller said he would like to entertain a motion to approve the proposed plat of subdivision and special use permits for drive through facilities for lots 1 and 3, all subject to the following conditions: a) cross-access and cross-parking agreements and covenants be recorded on the plat of subdivision; b) that the special use permits for drive through facilities are subject to final engineering approval for traffic, queuing, noise and buffering for each lot.

Trustee Walkington so moved; seconded by Trustee Gottsacker.

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Trustee Genender stated we are not voting on a Bank. Mayor Mueller stated we aren't voting on the design, just the two special uses. Trustee Stilz III stated if we are authorizing the drive thru facilities, then we are opening ourselves up to a bank. Attorney Price stated you are open to the possibility to a bank because it is commercial zoning. They have to come back to you no matter what. Discussion took place.

Roll Call:

Ayes: Trustees Walkington, Bonds and Gottsacker

Nays: Trustees Stilz III and Trustee Genender

Abstain: Trustee Stilz II

Motion carried.

Trustee Stilz III motioned to go into executive session to discuss probable litigation issues; seconded by Trustee Genender.

Mayor Mueller stated there will be no action taken.

The Regular Board Meeting ended at 8:15 p.m. and then entered into Executive Session.

The Regular Board Meeting reconvened at 9:07 p.m.

Trustee Stilz III motioned to reconvene: seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

Motion carried.

Trustee Stilz II motioned to adjourn the June 27, 2006 Regular Board Meeting; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Stilz III, Genender, Bonds, Stilz II and Gottsacker

All in favor, motion carried.

**The June 27, 2006 Regular Board Meeting adjourned at 9:08 p.m.**

Kathy Metzler, RMC, CMC

Village Clerk