

October 24, 2006 Regular Board Meeting Minutes

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Meeting called to order at the Village of Hainesville Council Chambers by Mayor Ted Mueller at 7:03 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 and Stilz II

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Public Works Supervisor Jeff Gately, Deputy Chief Dan Burch and Village Attorney Derke Price

Absent: Trustee Mark Gottsacker, Deputy Clerk Debbie Zwicker and Building Official Russ Kraly
Mayor Mueller announced that after public discussion we will be going into executive session to discuss litigation.

Also the Mayor added under Business #9: Hainesville Towne Center for consensus only.

Establishment of quorum

Agenda Approval

Trustee Genender motioned to approve as amended; seconded by Trustee Walkington.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Public discussion and/or comments from the floor:

Amy Strack – thanked the Mayor and Board of Trustees for their time and read the attached letter regarding the bike Path.

Jamie Genender – asked how many permits have been issued for temporary political signs in the Village of Hainesville? The Mayor stated none; the signs that have been out up until today have violated our ordinance. Jamie stated she has a permit for Gary Del Rae. The mayor requested that Jamie move, not take down the Gary Del Rae signs but to move them off the village landscaping and islands. Mayor Mueller stated should we revise the ordinance that may be possible.

Jamie stated at the entranceways for many years sale signs, political signs and during this boards election your signs were in the entranceway as well. Jamie stated her signs for Gary Del Rae, as she was informed by the mayor he didn't want them to clutter the area. Trustee Stilz III asked if we made Jamie move the signs and Mayor Mueller stated no just asked her not to have them be placed on the landscaping or entranceways. Jamie stated her permit was issued for 30 days, which Mayor Mueller was not aware of the permit being issued. Trustee Stilz II stated normally they are issued for 15 days? Discussion took place. Trustee Stilz II stated if we don't need a permit, then we need to refund Ms. Genender her \$50. Mayor Mueller stated he was not aware of this; he will have the \$50 refunded. The signs were on the island and the landscaping at Deer Point and Misty Hill. Trustee Stilz II stated we should clarify this by looking at our ordinance and the Mayor agreed.

Georgeann Duberstein – to clarify what was said, signs can be put anywhere in the grass, not in the landscaping and medium. Mayor Mueller stated we will look at this ordinance and clarify this by the next election.

Regarding the sidewalk is that a question that will be addresses in the resident survey? The Mayor stated yes.

Lisa Poray – asked if the ordinance could be reviewed for clotheslines. They are not allowable in your ordinance. Mayor Mueller stated in review of our ordinance clotheslines are not listed in our permitted backyard obstructions. Do we have a consensus can we accept clotheslines and the Boards consensus was yes. Put your clothesline up. Lisa stated this is a retractable line and she thanked the Board.

Attorney Price stated regarding the signs, everyone is wrong. They are considered temporary signs and per the ordinance the zoning administrator is empowered to issue a permit for the erection maintenance of temporary signs. The reason you have a permit is you want to know where they are going and you also get a refundable deposit. The deposit is to cover the cost of removing the signs if the people who put up the signs do not remove them. Political signs are listed as a temporary sign. They cannot be up for more than 15 days prior to an election and can

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only be on private property. No signs can be in the public right of way. Mayor Mueller stated that we have turned our heads prior to this. We will have to follow the ordinance or change the ordinance. Which means that everyone who puts a political sign in their yard needs a permit? Attorney Price stated that with the next election we need to educate the people where the signs go between now and April or revise the ordinance. You shouldn't have to put a deposit down to put a sign up in your yard.

Trustee Walkington motioned to go into executive session to discuss litigation; seconded by Trustee Stilz III.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

The Regular Board Meeting ended at 7:24 p.m. to go into Executive Session.

The Regular Board Meeting reconvened at 7:40 p.m.

Trustee Stilz II motioned to enter back into the Regular Board Meeting; seconded by Trustee Genender.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

There was nothing to Vote on once out from Executive Session.

Omnibus Vote Agenda

1. A Motion to Approve the September 26th, 2006 Regular Board Meeting Minutes
2. A Motion to Approve the September 2006 Financial Statements
3. A Motion to Approve the October 2006 Bills Payable

Trustee Walkington motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Stilz III.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Reports and Communications from Mayor and other Officers:

Mayors Report

Mayor Ted Mueller reported in November and December we cancelled the second meeting so there will only be a meeting on the second Tuesday.

Regarding the old building on Route 120, the mayor spoke to the owner and his consultant and they stated they are still negotiating with the insurance company. Attorney Price stated he spoke to his contact at the insurance company and told them the feeling of the Board is if you don't settle this money issue then the village will tear it down and you will be paying us back and we have the lien writer. Discussion took place. Mayor Mueller stated by the next meeting we will have a tear down date. Attorney Price stated at the next meeting if they haven't done it, you will be giving me authorization to hire someone to do it.

There will be a computer in the Trustee office soon. We ordered a new computer for Sally and will move her computer into the Trustee office. All the Trustees will all have a screen name and you will be able to log onto the internet.

At our December 12th, meeting we will have a public hearing at 6:30 for the acceptance of the comprehensive plan.

Clerks Report

Clerk Kathy Metzler announced for the Consolidated Election April 17th, 2007 there will be three Trustee seats open. The petition packets can be picked up at the Village of Hainesville Tuesday, October 31st, from 9:00 a.m. to 6:00 p.m. Circulation period starts November 7th 2006 thru February 5th, 2007. Nomination papers can be filed Monday, January 20th, 2007 at 9:00 a.m. through Monday, February 5th, 2007 at 5:00 p.m.

After the Board revises the village survey tonight, then Clerk Metzler will be meeting with Jill Koch on Thursday October 26th for the newsletter.

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Treasurer Report

Treasurer Kelly Hensley passed out a memo tonight regarding the tax levy. Kelly explained the tax rates and the resolution. This is for you to review and will be on the agenda for the November meeting. Kelly will get you more information, which will be put in your mailboxes. Discussion took place regarding the consumer price index and Attorney Price explained the CPI.

Police

Police Deputy Chief Dan Burch reminded that we have Halloween trick or treating on Sunday.

Building Official

Building Official Russ Kraly was not present.

Public Works Supervisor

Public Works Supervisor Jeff Gately reported Halloween trick or treating will be from 1 p.m. to 5 p.m. and the hayride will be from 1 p.m. to 4:30 p.m. There was a press release regarding the areas for the hayride. There is no charge we are just asking that you bring canned goods so we can donate to Avon Township Food Pantry.

Public Works issues: we are in the process of finished mowing for the season tomorrow. Then we will start tree trimming throughout the parkway trees.

The trees that were forgotten about this spring should be planted any day.

We have 26 water meters left and then Deer Point will be totally done. Then we will start in Misty Hill.

Trustee Stiliz II asked when you are tree trimming will you be taking an inventory on the parkway trees that will have to be replaced for next year so we can get a jump on that. Jeff stated he would take a look at that.

Also, Trustee Stiliz II asked if the ordinance number would be added to the Cranberry Lake signs. Jeff did order those a few weeks ago and will call and see if the signs are ready.

EMA Coordinator

EMA Coordinator Mark Gottsacker was not present.

Attorney

Attorney Derke Price stated the county has disclosed to us that they assigned to some of our tax-exempt property new pin numbers and tried to tax us for it. We have alerted them that these were already tax-exempt parcels and giving them new pin numbers doesn't allow them to tax the village and they will correct that.

Village Engineer Marcia McCutchan and Attorney Price had a meeting yesterday on the watermain loop. We are making progress with Boysen Well regarding the easement. When Boysen puts in the water he has to hook up and there is a recapture amount, which he and his attorney are looking over the numbers. He also has a question regarding how we structure the terms of the easement because he needs the well for his business. This is proceeding and hopefully will be resolved by the next meeting.

Village Engineer

Marcia McCutchan reported on the following:

MFT Street maintenance, the bicycle path which the Mayor asked for a cost estimate from Marcia, water tower repainting, Hainesville Towne Center, Hainesville Self Storage Facility which Trustee Walkington asked how much time do they have before they have to resubmit a plan?

Marcia will go back to review that, she wasn't sure. Watermain extension, Union Square Development, Community Development Block Grant Application which is due November 1st and on the agenda tonight, Route 120 Sanitary Sewer Study, Hainesville Crossing and Northbrook Sports Club.

Reports of Standing Committees:

Finance – Trustee Walkington had nothing to report.

Public Safety – Trustee Gottsacker was not present.

Grant Procurement – Trustee Genender had nothing to report.

Village Hall Landscaping – Trustee Bonds stated we will discuss this under business.

Public Works/Public Property/Open Spaces – Trustee Stiliz II had two items under Marcia's report; The Community Development Block Grant and then Illinois Route 120 sewer study.

Trustee Stiliz II was looking into improving the old village hall utilities to the property before selling. Trustee Stiliz II explained the sewer study and stated that he asked Marcia to do a study.

Marcia stated that there is a block grant for future development of west of the railroad tracks.

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When the block grant comes up we should do this so we could get up to \$150,000 grant to help build that sewer.

Business

Marine Week Proclamation

Mayor Ted Mueller read the Proclamation

Trustee Bonds motioned to authorize the mayor to sign the proclamation; seconded by Trustee Genender.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Lake County 2007 CDBG Application

Village Engineer Marcia McCutchan explained the Resolution, which is part of the application to the County and recommends passing this Resolution tonight and this will be submitted with the application due on November 1st.

Trustee Stiliz II motioned to approve the Resolution; seconded by Trustee Stiliz III.

Roll Call:

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

Absent: Trustee Gottsacker

Motion carried.

Resolution # R06-10-26

Final Acceptance of Union Square

Mayor Mueller started that he and Jeff Gately, Lisa Brock with RHMG and representatives from the developer as well as the managing agent walked Union Square. Based on Marcia's report the mayor is asking for a motion to accept the Union Square Subject to the final submission of the approved set of as-built plans.

Trustee Walkington motioned to accept the Union Square Subdivision to final acceptance of approved as-builts; seconded by Trustee Stiliz III.

Village Engineer Marcia McCutchan recommends the Village acceptance of the public improvements contingent upon RHMG receiving and approving the as-built drawings. Trustee Stiliz II stated we shouldn't accept this until we have a complete accounting of the dollars spent on our part that are suppose to be reimbursed by Ryland Homes, showing that they have paid everything that they owe, don't approve or except any of the underground work until they have the as-builts. Trustee Stiliz II stated lets wait until

Final Acceptance of Union Square continued:

they have everything done and then we will accept it. Trustee Walkington asked why don't they have the as-builts? Marcia honestly doesn't know.

Mayor Mueller stated we have a motion on the floor do you wish to withdraw your motion?

Trustee Genender stated she would do a motion to not accept it. Marcia McCutchan stated the way the motion is worded you still wouldn't official accept it until after we have received and approved the drawings. A question came up when would the maintenance start and Attorney Price stated with the way the motion reads the maintenance would start the day she stamps it approved. Trustee Stiliz II asked if they have paid all of their bills and Treasurer Hensley stated they have money in their reimbursement of fees agreement. Trustee Stiliz II stated he would like to see that as part of the final package. Trustee Stiliz III asked is it any more difficult for him to show up with everything done and then approve it? Marcia McCutchan stated you can do it any way you want to. The benefit of doing it the way the motion was read, it allows them to finish it between now and the next board meeting, it isn't a lot of work. Kelly can do the accounting and the as-builts could be done relatively quickly. This could be wrapped up by the next Board meeting but it is up to the village on how they want to handle this.

Trustee Walkington rescinds the motion. Attorney Price stated you could just vote it down.

Trustee Walkington stated lets take a vote.

Roll Call:

Ayes: none

Nays: Trustees Walkington, Stiliz III, Genender, Bonds and Stiliz II

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Absent: Trustee Gottsacker

Motion didn't carry.

Village Survey Discussion

Discussion took place regarding taking the bike path question off the survey, emailing the newsletter off the survey because they are mailed to each resident and the newsletter is posted on website. Regarding the questions with the village hours it was suggested to add the current hours.

Clerk Metzler stated she attended a conference in Chicago and attended a session on the no smoking ordinance and the big issue was who polices the number of feet away from the door. Attorney Price stated that the police department would police it. They are in charge of the enforcement of all ordinances. The mayor is empowered to assign duties to other minor officials which he could assign this to one of them.

Trustee Walkington asked what if the state passes this ordinance for no smoking in a public place or restaurant does that take precedent, which it would.

Mayor Mueller stated if you have further comments get this to Kathy in the next day or two to get this into the newsletter.

Review DUI Impoundment Ordinance

Mayor Mueller stated this is the review of DUI Impoundment Ordinance. At the last Board meeting there was considerable discussion with assorted amendments as a result our attorneys have provided this red line copy for review. Is this what the Board approved at the last board meeting? Trustee Genender stated under section 2 it should be driving under the influence or suspended.

Trustee Walkington asked if someone asks for a hearing who pays for who ever takes over, since it can't be our village attorney. Attorney Price stated initially we have to fund the hearing officer. Before the next meeting forward your comments to Attorney Price for final review. Trustee Stiliz II stated that this issue has been discussed for one to two years. For clarification Clerk Metzler has reviewed the last two years of minutes and this DUI Impoundment Ordinance has been discussed since June 13th, 2006. Mayor Mueller stated the ordinance was passed as amended and the purpose of it on our agenda is this allows the Trustees that proposed the amendments to review the ordinance as it has been red lined and see if that is truly what has been passed. The Mayor hasn't signed the ordinance yet due to he is waiting to make sure that this is what the Trustees truly amended. Please review with a fine toothcomb, mark your copy and get it back to Derke so he can rewrite it without the red lines and at the next board meeting we can review it for a consensus and then he will sign it.

Final Payment for Landscaping Project

Trustee Bonds stated everything is done with the landscaping service for this year. There was \$1625 deducted from the contract price due to dead bushes, bushes that were planted that were the wrong size, dead burr oak tree etc. and we will do a final payment to them. They will come back and when they come back next spring then we will pay them for that work once it has been determined it has been done correctly. Trustee Bonds stated everything looks good. Mayor Mueller stated the mums that she planted look great.

There is now an electrical outlet by our sign so Debbie can put lights on the tree for the holiday season at the Santa's visit.

Trustee Stiliz III motioned to pay Lawnmasters the balance due of \$15,750.60; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Walkington, Stiliz III, Genender, Bonds,

Abstain: Trustee Stiliz II

Absent: Trustee Gottsacker

Motion carried.

Lake County Health Department/Smoking Information – Guest Speaker Chris Anderson

Chris Anderson spoke and showed a video regarding the smoking ordinance information.

Clerk Metzler left the council chambers at 8:46 p.m. and returned at 8:50 p.m.

Attorney Price left the council chambers at 8:46 p.m. and returned at 9:01 p.m.

Trustee Stiliz II left the council chambers at 8:50 p.m. and returned at 9:01

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Trustee Genender left the council chambers at 8:50 p.m. and returned at 8:53 p.m.

Trustee Bonds left the council chambers at 8:54 p.m. and returned at 8:56 p.m.

Chris stated if your village thinks this is a good time that is up to you. Chris stated she know you were asking about the State and yes the State is looking into this, this will be a long process. A lot of communities are deciding to do this themselves. They want to enact an ordinance that applies to their community.

Mayor Mueller thanked Chris.

Presentation of HainesvilleFest Certificates

Mayor Ted Mueller and Trustee Genender presented the Certificates to the HainesvilleFest volunteers.

Trustee Walkington left the council chambers at 9:03 p.m. and returned at 9:04 p.m.

Hainesville Towne Center

Trustee Stiliz II excused himself from this matter at 9:07 p.m. and joined the developer as he is their engineer.

Mayor Mueller stated this is the commercial project that is going up on Route 134 across from Citgo. Bill Schneider with Wal-Street Equity Partners introduced himself and Dave Hurley our Director of construction with Wal-Street Equity and Scott Wallach our managing partner with Wal-Street Equity.

At a previous meeting Bill stated they were asked by the Village to agree to allow them to extend and reconstruct North Street from Hainesville Road into their site for exchange of easement rights across the village detention pond. They came up with some estimates to do this. The engineers estimates for reconstructing North Street was \$75,502, the block retaining wall around the detention pond is \$62,500 and additional earth work and guard rail reconfiguration is \$26,250 for a total \$164,252. What they are asking for from the Board is they would do all the reconstruction work and get North Street done they are asking for a rebate of 50% of the sales tax revenue that we would generate from the strip center. Bill handed out a letter including the projections.

Attorney Price stated he knows the estimate is \$164,252 and we will make this certified cost of the improvements as certified by RHMG and will you be willing to consider a 10-year cap. Bill stated \$164,252 it would take six and a half years, \$25,000 a year and cap that at 10 years.

Attorney Price stated "for the record" "this mechanism where the developer fronts it and takes what risk there is and gets paid back out of a portion of the sales tax. We've used this in a highly successful method of development. The Village of South Elgin used this exact technique. This can be a successful method. This would be an easy ordinance to write if this is what you chose to do."

Attorney Price stated this is a common method of accomplishing a project like this.

Mayor Mueller asked for a consensus of the Board; Trustee Bonds yes, Trustee Genender yes, Trustee Stiliz III not sure, not against it there are many different ways to do this. Mayor Mueller stated that the consensus would give them the okay to move ahead with their design and planning. The village will not front them any money. Discussion took place. Attorney Price stated all he does is brings back an ordinance and you can decide from there. Trustee Walkington voted no for the consensus.

Attorney Price stated the Village of Hainesville is a competitor in the market for development. If you want development to come than you compete with other places that are will to do these types of arrangements.

Treasurer Kelly Hensley left the council chambers at 9:20 p.m. and returned at 9:24 p.m.

Discussion took place. Wallace C. Stiliz II asked is the Village Board acceptable to working out an agreement? We just brought the idea to you to think about this. Trustee Stiliz III stated he isn't against this, he just wants more information. Attorney Price stated give me your questions and Marcia and I will look them over. Trustee Stiliz III wants more information and then wants to go into executive session to discuss the options. Attorney Price stated you can't go into executive session, this is just a deal.

Trustee Genender left the council chambers at 9:30 p.m. and returned at 9:37 p.m.

Trustee Stiliz II returned to his trustee seat at 9:38 p.m.

Mayor Mueller stated Attorney Price can come up with a suitable ordinance that the Board can review and Attorney Price will draft an ordinance.

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Trustee Genender motioned to adjourn the October 24th, 2006 Regular Board Meeting; seconded by Trustee Stiliz II.

All in favor say aye, motion carried.

The October 24th, 2006 Regular Board Meeting adjourned at 9:38 p.m.

Kathy Metzler, RMC, CMC
Village Clerk