

## January 27th, 2009 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Ted Mueller at 7:00 p.m. Chief Roy McCommons led the pledge of allegiance to the flag.

Deputy Clerk Roseann Stark took roll call. The following officials were present: Mayor Ted Mueller, Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany.

Also present were: Chief Roy McCommons, Deputy Clerk Roseann Stark, Treasurer Kelly Hensley, Public Works Supervisor Jeff Gately, Village Engineer Chip Parrott and Village Attorney Julie Tappendorf

Absent: Trustee Gottsacker and Village Clerk Kathy Metzler

### **Establishment of quorum**

### **Agenda Approval**

Mayor Mueller would like to remove G3 under the Omnibus Agenda. The village clerk was not able to do the minutes due to an injury. The mayor also stated that he would be asking for a motion to go into executive session to discuss pending and probable litigation.

Trustee Stilz motioned to approve the agenda as amended; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany

Absent: Trustee Gottsacker

Motion carried.

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

**Linda Soto, 307 Buck Drive, Hainesville, IL 60030** – She was unable to attend the last meeting due to illness. Regarding the presentation by a developer to build senior housing and 15 townhomes, she wanted to make some comments. She realized this was a preliminary plan for senior housing which is a very broad category from bad to good so she hoped that the village will be prudent in looking at what it is exactly that is being proposed. It was a very general presentation but Ms. Soto hoped that the developers are in receipt of the application packet and they know what's required to move forward and what the process is. Mayor stated that they have received all the appropriate papers. The developer does have a legal right to follow the public hearing process and the village had allowed them to do that. The Mayor also stated that just because it was presented doesn't mean he is in favor of it. We are just allowing them to make the presentation. The trustees also feel the same way. The developer would have to come and convince the Board that this is a project that will benefit the village. Ms. Soto stated that the townhouses are a real bad idea. We should only consider the senior housing if a commercial developer comes with some commercial development and says that they want senior housing to support the commercial development. Trustee Bonds agreed with Linda Soto that we should have no more residential development because of the impact on the schools. She doesn't have a problem with senior housing development; the problem is with the development of townhomes. The mayor also agreed that there should be no more residential development. Trustee Bonds stated that we do have commercial development but will it be beneficial to keep putting up strip malls with vacancies as many strip malls in the area have vacancies? Perhaps there should be a time limit as to how long it will take to fill vacancies. However, the senior housing would bring in residents that could use Walgreens, Subway, etc.

**Douglas Raul Williams, 154 Tall Oak Drive, Hainesville, IL 60073** – He also agreed that commercial was not doing very well. He would like to see Hainesville partner with the surrounding communities. Round Lake Park is trying to beautify Route 134. We shouldn't rush into anything but instead use due diligence. We could get input from the neighbors and residents.

**Georgeann Duberstein, 82 Tall Oak Drive, Hainesville, IL 60073** – She wanted to comment on the senior housing and townhome project. The developers said that it would be \$700 a month rent for the seniors and it is going to be subsidized. The mayor stated he did receive an email from one of the presenters that confirmed that and advised them that this would not be well received. Georgeann went on to state that she assumes that the Trustees and Mayor believe that adding developments that produce sales tax revenue for the village is a high priority. The Board agreed. Georgeann and her husband, George had a consulting business which analyzed and appealed real estate taxes primarily for commercial property. When a developer is considering property for retail use, one of the most important features to consider is visibility. This means the amount of footage available fronting the road. She has done research on vacant commercial property in Hainesville along Route 134 and Route 120 from Deer Point to 134. Hainesville has a total of 31 acres of vacant commercial property in that prime retail area. Nearly 22 acres is along Route 134. That's 71% of our potential real estate use and the main use for sales tax revenue is along Route 134. The piece of property being proposed for the subsidized senior housing and townhome has the most main road frontage

## January 27th, 2009 Regular Board Meeting Minutes

of any available vacant land in the studied area. This property is also the largest piece of property available along Route 134. This means that a developer could have the most flexibility as to what can be built on this land. Should this subsidized senior housing and townhome project go forward the best the village could expect is to get regular property tax revenue. Obviously no sales tax revenue. Also we must consider that in some cases subsidized housing projects are exempt from even paying property tax. That would mean that we are not only losing the best potential retail development location but the village would get absolutely no financial benefit from having this project in our village. Mayor Mueller added that he does have a complete file on all vacant land in Hainesville including acreage, owners and PIN numbers so he is familiar with everything that was said. Georgeann stated that this property is almost 7 acres. It could house more than just strip malls. It could have a much larger anchor store. It has a lot of flexibility for retail use other than just little stores such as a video store, cleaner, etc. This is prime property and if we let it go for something that will bring us nothing financially when everybody is complaining about the taxes, it would be sad to take that property out of the possibility. She'd rather have it sit vacant for a few years until the economy comes back than make the wrong move because whatever we put there will be there for decades. She asked that we give it some serious thought and not make a hasty decision. Trustee Bonds agreed however, she stated that we thought Route 120 was prime property when we sold to the developer. Do we want to put up a big strip mall just to have it sit empty? The developers build the strip malls and then have all these vacancies. Trustee Bonds agreed that we need to get something that will bring tax relief to the village. She suggested that we give developers a time limit as to the vacancy issue or pay a penalty.

**Gerry Daley, 366 E. Big Horn, Hainesville, IL 60030** – We need to look at the long term picture. If Route 120 bypass takes place, what we consider prime real estate now will be dead. He suggested that we sit back and see what happens. Let's not get something in there that is going to die in a few years if the bypass goes through.

**Jim DeNemie – 120 Tall Oak Drive, Hainesville, IL 60073** – The Village needs a strategic plan with long and short term goals and objectives in place so we could determine what types of businesses we want. Developers would then have to respond to what we want and we'd stand a better chance of success. With the highway situation we will be dead in the water but if we have things that people want to go out of their way for to come here we'd be better off. Trustee Bonds agreed that business might be taken away with the Route 120 bypass. She also stated that the Village should be able to tell a developer once they put in a strip mall that there be a time frame for vacancies otherwise we become a ghost town.

Mr. DeNemie also stated that he along with his neighbors are happy with the abatement of the buckthorn around Cranberry Lake. Thanks to the community effort it looks great. He'd like to see the Village support Earth Day. Perhaps there could be an Open House so other residents and surrounding communities could see what is going on at Cranberry Lake. Also, there will be re-seeding done around the Lake area.

He also asked about the recapture of the \$50,000 that went into the SSA #1. It has been in litigation for so long we are waiting for an answer. Mr. DeNemie asked if we received the money. The mayor answered that the attorneys and the judge concluded that it was a legitimate expense. When we settled the recapture issue with Deer Point, which was resolved. The \$50,000 is no longer an issue. Mr. DeNemie stated that \$100,000 has been assessed and he wanted to know if that went back to the developer. The Mayor stated that Mr. DeNemie is welcome to come in and look at the files. Trustee Bonds stated that in the long run the assessment for the people for the SSA is only \$40 a year. For the amount of money that has been put out the SSA hasn't had that amount of money in the budget so the Village has paid towards that so she doesn't know if we want to go there. Mr. DeNemie stated that it's not good enough since a lot of money was kicked into it. Trustee Bonds stated that she could sit with Mr. DeNemie on this issue if he'd like. The Mayor also stated that the SSA money being referred to was legitimately spent by Deer Point according to our attorneys and the judge and there is nothing that could be done any longer but he is welcome to come in and look at the file. Trustee Bonds suggested that she along with the Mayor, Mr. DeNemie and Trustee Walkington can have a meeting to go over this issue.

**Barbara Jersey, 120 Tall Oak Drive, Hainesville, IL 60073** – Wanted clarification on how the Village went from commercial to Senior Housing on Route 134. The mayor stated that the developers approached the Village. If commercial developers approach the Village, they too would have an opportunity to present their proposal. These developers did that at the last board meeting. The Mayor also stated that he has approached several commercial potentials that he is not at liberty to discuss at this time. Ms. Jersey asked if the commercial would also be allowed to do a presentation. The Mayor stated that any commercial developer would also be allowed to do a presentation at a Board Meeting. Ms. Jersey also asked if there is a file number for the SSA litigation that the mayor said had been settled. The mayor stated that it is public

## January 27th, 2009 Regular Board Meeting Minutes

record. She stated that she was surprised because the last time we brought it up at a meeting which was quite some time ago, it was still in litigation so between the time it was in litigation and now it has been cleared. The Mayor stated again that it is public record. Trustee Stilz stated that it was part of the package deal with everything else we had going on with Deer Point so its not necessarily that our attorney or a judge agreed that they paid it was what we settled on along with the other issues. The Mayor stated that was correct.

### **Omnibus Vote Agenda**

1. A Motion to Approve the December 2008 Financials
2. A Motion to Approve the January 2009 Bills Payable
3. A Motion to Approve the January 13th, 2009 Regular Board Meeting Minutes

Mayor Mueller would like to remove G3 under the Omnibus Agenda. The village clerk was not able to do the minutes.

Trustee Walkington motioned to approve the Omnibus Agenda as amended; seconded by Trustee Bonds.

Roll Call:

Ayes: Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany

Motion carried.

### **Items removed from the Omnibus Agenda if any:**

Item G3 was removed.

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

#### **Mayors Report**

Last Friday the Mayor attended the Metropolitan Mayor's Quarterly Business Meeting in Chicago. Lieutenant Governor Patrick Quinn gave us the status of Illinois. The issue we are facing now has to be resolved even before we can begin to move on. Rick Mattoon, Senior Economist and Economic Advisor with the Federal Reserve Bank of Chicago gave a presentation on the economic forecast and what's in store for us in 2009 and again the situation does not look good. The world's economic situation is going to take a couple of years before we start to get back into motion again. Although it appears that the housing situation may be leveling off there's no guarantee. Mayor Richard Daley gave a presentation on the proposed Federal Economic Recovery and Reinvestment Act. The amount of money that is out there that might be available to various communities. The mayor has a summary of that if anyone would like a copy. The Village is looking into that, so we could get some money. There's also an Illinois Rain Garden Initiative. There is grant money for schools, non-profit groups and so forth that may want to initiate a rain garden program.

Washington Street is being worked on and Lake County Department of Transportation in addition to a number of consulting firms are looking into engineering and improvement between Hainesville Road and Lake Street. The proposal is to include widening and improving the path. This is strictly in the design stage. February 18, 2009 there will be an Open House here at the Village so please come to see what they are proposing. Also the bridge over the wetlands is still in the design stage. It was originally designed with a steel bridge and the cost became prohibitive so they are taking another look at it. The Mayor is in contact with Lake County DOT because they are the engineers and asking that they hurry to get this done so we can get some money. We might be able to toss this into the Economic Recovery program and get some money from the Federal Government.

#### **Clerks Report**

Deputy Clerk Roseann Stark reported that the lottery was held for the placement of names on the ballot. The ballots will be as follows: Mayor – 1. Ted Mueller, 2. Linda Soto; For Trustees, 1. Deborah Bonds, 2. Gerry Daley, 3. Georgeann Duberstein. Also, running for Trustee we have John Derenoski who will be number four.

The Village Clerk is also looking for newsletter articles.

#### **Treasurer Report**

Treasurer Kelly Hensley had nothing to report.

#### **Police**

Chief McCommons reported that Officer Kelly earlier today stopped a suspicious subject and vehicle at Walgreens. The subject was identified as someone with several outstanding warrants throughout Lake County for false prescriptions. The subject was placed into custody. Several Lake County departments were notified. They interviewed the subject at CenCom.

This past weekend Chief McCommons attended the Illinois Chief of Police training Conference in Springfield. He was able to participate in several training sessions and made contacts with other Police

## January 27th, 2009 Regular Board Meeting Minutes

Chiefs throughout the state including towns that are the same size as Hainesville. Chief McCommons was advised by the Association President that he would be Chairman of the Juvenile Justice Committee. He had also been placed as President of the Lake County Juvenile's Officer Association

Chief McCommons reported that in the past two weeks there were 105 calls of service, 26 written warnings, 28 citations, 1 verbal warning, 21 ordinance/parking tickets, and 21 case reports.

### **Building Official**

Building Official Russ Kraly was not present.

### **Public Works Supervisor**

Public Works Supervisor Jeff Gately reported that things have quieted down. The water and sewer systems are operating fine. The parkway trees are being trimmed. This spring, either end of March or early April, the Village will have a street sweeper cleaning the streets because of the use of sand and salt on the roads. Jeff will be working with Chip to clean catch basins before it ends up in the wetlands. It shouldn't be crucial because the system is designed that when the water is coming down the curbs and goes into the sewer, the pipes are higher. It's called a catch basin so it collects all the leaves, dirt and grime before it gets into the system itself and into the wetlands. But due to the amount of sand we want to get that cleaned up.

### **EMA Coordinator**

EMA Coordinator Mark Gottsacker not present. Kevin Barrett did thank residents for digging out their fire hydrants.

### **Attorney**

Attorney Julie Tappendorf had nothing to report.

### **Village Engineer**

Village Engineer Marcia McCutchan was not present. Chip Parrott from RHM reported that the Monthly Reports were given to the Trustees. No one had any questions for Chip.

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

**Finance** – Trustee Bonds had nothing to report but she will be meeting with Treasurer Kelly Hensley because the first of every year they meet to discuss to see if they can cut a few things such as taxes for the resident.

**Public Works** – Trustee Walkington had nothing to report.

**Public Safety** – Trustee Gottsacker was not present.

**Wetlands** – Trustee Walkington stated that most of the seed that we ordered has been received. As soon as the weather is feasible to plant them, we will, and finish the first phase of this project.

Trustee Tiffany wanted to update everyone. About a week ago we received a thank you letter from Kids Hope United for the Christmas presents the Village gave them. The letter was at the dais if anyone would like to read it.

### **Business**

#### **Bike Path Municipal Acceptance Form**

The Village has received a standard Acceptance Form from Lake County Department of Transportation regarding the Bike Path. The Lake County DOT has requested we sign the form. It states that we will maintain the bike path. Attorney Tappendorf agreed that this is a form the county requires. It is the turnover from the completion of the construction to the maintenance obligations which would be on the Village's behalf and this is the acceptance of that.

Mayor asked for a motion for authorization to sign the Bike Path Maintenance Agreement. Trustee Stilz made the motion.

Trustee Bonds stated that the map shows the bike path going to Route 120 but there is no picture of a bridge. She stated that everyone agreed that the bridge would be over the wetlands instead of going through the wetlands. The map doesn't show that and she does not want to agree to anything until she sees the bridge.

The motion was seconded by Trustee Walkington.

Trustee Walkington stated that at this time there is only a plan so far to build a bridge not a path through the wetlands. The Mayor agreed and stated that this is for the portion that is already completed. Trustee Tiffany asked if the Lake County DOT project number 08-00072-11BT is for pavement that we used for the path itself or is that going to entail the project for the bridge construction. The Mayor stated that as he understands it the agreement is for the portion that has been completed so far not the bridge. Trustee Bonds noted that the agreement says up to Route 120 and that includes the wetland area. Trustee Walkington stated that there are two numbers and there is only one project. Trustee Stilz stated that the problem is no

## January 27th, 2009 Regular Board Meeting Minutes

one has any idea what is going on with this bike path since we started it. Trustee Bonds stated that the form reads that the newly constructed and proposed bike path along the east side of Hainesville Road from Patriot Drive south to Illinois Route 120 and that this area of the bike path is shown in yellow on the attached exhibit. There is nothing in yellow and it shows no bridge. Trustee Walkington stated that the only thing this form is for is for the County to maintain the bike path. Trustee Bonds questioned how the County could maintain something that hasn't been built yet and they don't know what they are going to maintain. Trustee Walkington stated that would be the county's problem if they want to maintain something that hasn't been built. Trustee Bonds stated that if we decide to put a bridge in and they aren't willing to maintain it we will be stuck so we have to find out the legalities pertaining to all of this. Trustee Walkington stated that once we sign it they will be legally bound to it. Trustee Bonds disagreed. The Mayor wanted to clarify that this document says that we will maintain it not that the county will maintain it and what it refers to in the document is the newly constructed and proposed. The newly constructed is what is done the proposed is the remainder which is the bridge. It states that we will maintain it. Trustee Bonds asked what the cost to put this bike path in from where it has ended now to Route 120. She would like the mayor to let the residents and the board know this cost.

Roll Call:

Nays: Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany.

Absent: Trustee Gottsacker

Trustee Tiffany wanted to add that we should be more clear on what we are entailing here because we don't have anything stated about the bridge. It states that we are going to maintain it and there's another big expense of resurfacing at a later date or vandalism. Trustee Stilz asked who we thought was going to pay for this once it was up. Trustee Tiffany said we were going to pay for the bridge but he didn't think we were going to maintain it solely by ourselves. Trustee Stilz stated that it was mentioned many times. Trustee Bonds stated that we should have a grant committee set up. The mayor stated that the portion that has been completed has been paid for through a grant and \$15,000 is remaining to go toward the bridge. However, he is not sure what the cost of the bridge will be but he is trying to get an amount from the Lake County DOT.

### **Release Firestone Performance Bond Number 08777350**

Mayor Mueller reported that the Firestone project has been completed for several years. They have asked us to release the performance bond. The project has been reviewed by our engineer who has indicated that the punch list items have been completed. The retention pond has been designed correctly and our attorney has reviewed all the documents. Trustee Tiffany asked if this was the same bond that was discussed 8 months ago. The Mayor stated that it was not the same bond. That bond was released but it was for the self storage project which did not go forward. This is for the original Firestone project. The amount of the bond for release is \$154,104.

Trustee Walkington motioned to Release Firestone Performance Bond Number 08777350; seconded by Trustee Stilz.

Roll Call:

Ayes: Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany

Absent: Trustee Gottsacker

Trustee Stilz motioned to go into executive session; Trustee Walkington seconded the motion.

Roll Call:

Ayes: Trustees Walkington, Stilz, Barrett, Bonds, and Tiffany

Absent: Trustee Gottsacker

All in favor, motion carried.

The Regular Board Meeting recessed 7:54 p.m. to enter into Executive Session.

Trustee Bonds motioned to enter back into the Regular Board Meeting at 8:15 p.m.; seconded by Trustee Barrett.

Trustee Stilz motioned to adjourn the January 27, 2009 Regular Board Meeting; seconded by Trustee Barrett.

All in favor, say aye, motion carried.

**The January 27th, 2009 Regular Board Meeting adjourned at 8:16 p.m.**

Respectfully submitted,

Roseann Stark  
Deputy Clerk

# January 27th, 2009 Regular Board Meeting Minutes