

May 8th, 2012 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:02 p.m.

Mayor Linda Soto led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Also present were: Village Clerk Kathy Metzler, Public Works Superintendent Jeff Gately, Building Official Russ Kraly, Village Attorney Jim Rock and Village Engineer Greg Gruen

Absent: Treasurer Kelly Hensley, EMA Coordinator Mike Benko

Establishment of quorum

Agenda Approval:

Trustee Daley motioned to approve the agenda as presented; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

There was no public comments.

Mayor Soto stated that there was cake to honor John, Walter, Kevin, Gary and Gerry's birthdays and for Kelly Hensley's 15th anniversary. Kelly was not present because she was at a college event with her high school son.

Omnibus Vote Agenda

1. A Motion to Approve the April 24th, 2012 Regular Board Meeting Minutes
2. A Motion to Approve the May 2012 Bills Payable for \$97,208.18
3. A Motion to Approve Berger Excavating Pay Request #1 for \$82,638.90
4. A Motion to Approve the Manhard Consulting Route 120 Watermain Engineering Fees for \$6,368.35

Trustee Daley motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

**Reports and Communications from Mayor and other Officers:
Village Engineer**

Village Engineer Greg Gruen reported that the Misty Hill Resurfacing Project is out to bid. The bids are due May 17th and the approval will be at the June Board Meeting. The work will start after the Fourth of July.

He reported that the Route 120 Watermain project is progressing. Pay request #1 was approved this evening. The approval will be forwarded to the IEPA, which will then cut a check to the Village and in turn the Village will cut a check to Berger Excavating.

Greg stated that the Village attained approval to remove the underground storage tank which was found along the Route 120 watermain route. It is scheduled to be removed May 15th. The State Fire Marshall and the tank contractor will pull the tank. After this the project can be completed.

Greg reported that the loan documents, as they were written, included a \$6,800 contingency. Due to the UST issue and bad ground at the auger pit that amount will be exceeded. Greg spoke with the IEPA and was told that once the project is completed and all the extras are known the Village can submit it to them and they will review it and increase the loan amount. No firm commitment was given.

Greg also mentioned that regarding the Route 120 safety zone the final request was submitted to IDOT to install the LED flashing lights. He hopes to hear from them shortly.

Manhard is waiting on the Board's decision on the color to paint the water tower. Inspection of the tank was postponed because the company with the remote operating vehicle had an issue with the ROV so it had to be repaired. Greg stated that it has been fixed and the inspection should take place next week.

Mayor Soto stated that she spoke with Terry Grom regarding final selection of paint color. He was going to move forward on narrowing down the next steps down.

Trustee Walkington asked if Berger will exceed \$227,000. Greg stated that it is not Berger necessarily. The underground storage tank issue will put the Village over and a different contractor is doing the tank removal. Greg hopes to put that contractor's cost within the loan program.

Trustee Daley asked if the inspection of the water tank will interrupt service. Greg stated that it would not.

Village Attorney

Village Attorney Jim Rock noted that he prepared several ordinances, policies and procedures that appear on the business part of the agenda.

Village Engineer left the Council Chambers at 7:26.

Public Works Superintendent

Mayor Soto stated that Public Works Superintendent Jeff Gately will be leaving early to attend a concert.

Public Works Superintendent Jeff Gately reported that the wetland, beautification and entrance weeding is currently being done. He has a stack of work orders which are going smoothly. He also stated that landscaping will be done at the Public Works Building. They will put in knock out roses and junipers. Also three fountains and an aerator will be put in around the Village. Eric Christiansen who is an electrical contractor, will install the electric for the one at the Village Hall.

Mayor Soto noted for the record that while the fountains were removed from the new budget that was approved, money was found remaining in the budget and that is how the fountains were purchased. Other work had not been done and it was decided that this was more of a priority. Jeff added that 12% was saved off the total cost because all the fountains were purchased together through Grower Equipment.

Mayor Soto also stated that Jeff has been outside doing a lot of mowing since March.

Building Official

Building Official Russ Kraly reported that he has been very busy. He distributed his monthly report. He has designed a new form and warning notice and he gave about 25 warning tickets for long grass and weeds. The Village will be vigilant about this. He asked that everyone cut their grass and trim the weeds.

EMA Coordinator

EMA Coordinator Mike Benko was not at the meeting. Mayor Soto stated that the next Board Meeting will focus on a table top exercise that Mike has put together. It will be a useful and eye-opening exercise for the Board and staff. Mayor Soto stated that while it is a public meeting, because of the table top exercise, the Public will not be able to participate or ask questions during the event. Any comments or questions will be taken after the exercise. In the future a more full blown exercise will take place and there will be residential volunteers needed.

Treasurer

Treasurer Kelly Hensley was not present because she was attending a college event with her high school son. Trustee Daley will cover any notes under the Finance report.

Village Clerk

Village Clerk Kathy Metzler thanked everyone for the card and dinner after her surgery; it came at a perfect time. Kathy reported that all business licenses have been completed and only a few have not been delivered. She and the Mayor have been delivering them. Deputy Clerk Roseann Stark mailed out about 300 sponsorship letters for Hainesville Fest. Kathy and Roseann attended a seminar at the Civic

Center. Kathy had handouts for Trustee Daley and Treasurer Kelly Hensley. The topics included Ordinances, Proclamations and Resolutions; Mike Peterson from Grayslake and Brian from Round Lake Beach did a finance presentation. Chris Gentes discussed legislative updates and there was a seminar on organization. Kathy stated that she will put copies of some of the handouts in everyone's mailbox.

Mayor

Mayor Linda Soto stated that she is working on some issues with ComEd. While she was delivering business license renewals to Route 134 businesses, Classic Printery and Stop and Save pointed out two old electric poles with nothing attached. Another pole is at the front of Deer Point where the office center is located. It was placed there for the construction trailer which is long gone. ComEd has removed both of the poles on Route 134 and it looks much better. Classic Printery called and thanked the Mayor. The Deer Point pole had its electric feed removed but there is a phone line feed going to that pole which they cannot touch. Mayor Soto will get in touch with the utility to get it removed. Once the phone line is removed ComEd will take down the pole. The Mayor asked that if anyone sees anything like that to please let her know.

Mayor Soto also noted that she met with Russ regarding the warning notices. The new notice has a check off for the most common complaints such as placement of garbage cans, grass and weeds being too long and minor building code violations. This notice is bigger and more prominent. He also has a log which the office will have a copy of also so they will know who was tagged and for what violation. Russ will then follow up on the warning. The Mayor stated that this will be tweaked. When it is finalized, it will be put on card stock. There have been some residents warned regarding their lawns. One resident did call because he was offended. The Mayor explained that others also were warned.

Trustee Duberstein asked why it is not a door hanger. Mayor Soto reiterated that it use to be a door hanger. There are two door hangers. One the police department uses and the one that the building department used was outdated. Mayor Soto stated that this new form is not a door hanger because they blow away. Trustee Duberstein noted that the warning cannot be put in the mailbox because it is a federal offense. Kelly suggested to the Mayor an adhesive on the top which would be easy to remove from the glass door. The Mayor wanted the warning to be big and prominent. Russ also stated that this warning has more detailed information and this would not fit on a door hanger and the Mayor agreed. She is not trying to offend anyone but residents should take pride in their community.

The Mayor also stated that there is no ordinance for having weeds treated; it is a choice. However, if there are a lot of weeds particularly dandelions then they should be mowed before they go to seed.

Reports of Standing Committees

Finance – Trustee Daley reported that the Committee met earlier and they talked about the concept of Capital Improvement Fund; what the purpose of it is and where the Committee will go from here to develop it. Also discussed was the potential method of increasing revenue. If the number of Board meetings is reduced, they approved Committee meeting time changes which the Clerk has those times. Community Relations, Public Safety and Finance Committee will all meet prior to the Board Meeting night.

Trustee Daley noted that Treasurer Kelly Hensley is still going through audit preparation. She stated that it was moving smoothly. The office has installed a cash register which was a recommendation from the audit. Money is no longer sitting out on the counter which makes better sense. Kelly is researching the possibility of an online newsletter and water billing.

Public Works – Trustee Walkington reported that he and the Mayor attended a meeting at the Northbrook Sports Club. They will be having a big event in the next couple of months. They wanted to find out what they needed and what the Village could do for them. The Sports Club is having an international tournament. More information will be forthcoming. It is not open to the public but the Village will play an important role in the ceremony. The Mayor will be making a brief speech especially to welcome those that traveled from other countries. Last year the tournament was in France. The Sports Club feels they will do a better job and have a better lay out for the tournament. People will be coming from over 25 different countries. Approximately 1,200 people will be attending. It is a week-long tournament but Wednesday is the main day of the tournament.

Public Safety – Trustee Kriese stated that at the last committee meeting they had recommendations regarding the website. Trustees Daley and Kriese will put it to paper. They were thinking of doing a safety tip of the month. Trustee Kriese will be contacting the Village of Round Lake, Grayslake Police and Fire Department and ComEd. He also sent an email to LCDOT regarding enhancing the intersection at Tall Oak and Big Horn with either a yield sign or pedestrian crossing. The response was that there were turning lanes at these streets and the markings need to be 20 to 50 feet of the sign itself. This would put the signs at the middle or toward the end of the intersection. It would not be feasible for either intersection at this time. The pedestrian crossing could be moved down the middle of the block which would cause repaving. Mayor Soto forwarded the email to Greg Gruen for other alternatives.

Trustee Kriese reported that the “Stop for Pedestrians” sign has been ordered. He stated that the sign use to read “Yield for Pedestrians”.

Trustee Barrett added that there has been a rash of petty auto theft and damage to property in his neighborhood. His car had \$850 worth of keystrokes damage to the paint. He stated that residents should lock their cars. He filed a police report and asked for additional patrols.

Mayor Soto reminded everyone that May 19th there will be a duo event. The bike path ribbon cutting ceremony. There will be Lake County officials as well as resident, Margaret Bucich, who was very vocal about getting the bike path done. There will be a tent with Rules of the Road books and other material on bike safety. The event is across from the Village Hall and mobile eye will lead people across the street. The ribbon cutting is at 9 a.m. There will be refreshments as well as reduced price bike helmets. There will also be free Hainesville water bottles available. Also on the same day between 8 a.m. and 12 p.m. at the Public Works Building there will be the Village's first SWALCO Electronic Recycling Drop Off Event. This will be convenient for residents to drop off old computers, fax machines, etc. A detailed list will be in the newsletter and on the website. The Mayor encourages residents to go the SWALCO website for more information. The Mayor stated that there will be a press release done and a photographer was requested.

Wetlands and Open Spaces – Trustee Duberstein stated that fountains will be put in and there is an article in the newsletter. The past few years have been devoted to clearing things out of the Village such as getting rid of the buckthorn, sandbar willows, weeds and trying to make the ponds more visible. This year the Committee will put things in such as fountains to reduce the algae. There will be less cost and chemicals involved in keeping the ponds clean. There will be additional flowers put in at the entrances, as well as a bench and trash can at Cranberry Lake.

Trustee Duberstein reported that the garage sale is set for July 28th and 29th. The information will be in the newsletter.

Community Relations – Trustee Derenoski stated that the Committee met two weeks ago regarding the ribbon cutting ceremony. Hainesville Fest is rapidly approaching. As Kathy mentioned they did a phenomenal job getting all the letters out. There will be follow up calls made by a resident volunteer. Sponsorship money is up to \$8,700.

Mayor Soto thanked the businesses that donated as well as Ancel, Glink and Manhard.

Business

An Ordinance Amending Section 5.08.060 of the Village Code & Establishing Authority for the Liquor Commissioner to Require Liquor Licensees who have violated the VOH Liquor Code to Reimburse the Village for Costs Incurred in Holding the Liquor Commission Hearing

Trustee Daley motioned to approve the Ordinance Amending Section 5.08.060 of the Village Code and Establishing Authority for the Liquor Commissioner to Require Liquor Licensees who have violated the VOH Liquor Code to Reimburse the Village for Costs Incurred in Holding the Liquor Commission Hearing; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Motion carried.
Ordinance # 12-5-160

An Ordinance Adopting a Service Animal Policy, Mobility Device Policy and Grievance procedure, in Accordance with the Americans with Disabilities Act
Mayor Soto stated that this is a mandated Ordinance.

Trustee Daley motioned to approve an Ordinance Adopting a Service Animal Policy, Mobility Device Policy and Grievance Procedure, in Accordance with the Americans with Disabilities Act; seconded by Trustee Derenoski.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.
Ordinance # 12-5-161

Approval of a one year extension for 2012-2013 Winter Season Snow and Ice Removal Contract – Dave Schultz Snow Plowing

Mayor Soto stated that she met with Jeff Gately and consulted with Village Attorney Jim Rock. It was decided to recommend forgoing the bid process since there was low participation in the last bid. Dave Schultz has come in as the lowest bid and the Village is happy with his work. Legally, the Board can approve a one year extension for the 2012-2013 Winter Season Snow and Ice removal contract. The rate and particularly if the price of gas goes over \$5 is clearly stated.

Trustee Barrett motioned to approve the one year extension for 2012-2013 Winter Season Snow and Ice Removal Contract – Dave Schultz Snow Plowing; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

Approval of the Cancellation of the First Regular Board Meeting of the Month for the Months of June, July and August

Mayor Soto has heard back from all the Trustees regarding this issue. She is making a recommendation to cancel the first regular board meeting of the month for June, July and August and only meet once that month on the fourth Tuesday of each month. This will allow the Treasurer to provide a full Bills Payable report.

Trustee Derenoski motioned to approve the Cancellation of the First Regular Board Meeting of the Month for the Months of June, July and August; seconded by Trustee Daley.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

Jeff Gately left the Council Chambers at 7:53 p.m.

An Ordinance Amending Section 15.24.040 of the Village Code and Establishing Color Regulations for Chain Link Fences

Mayor Soto stated that she had a concern brought up by a Trustee and several residents. She has also received feedback from Trustees and she sees everyone's point.

Trustee Duberstein motioned to approve an ordinance Amending Section 15.24.040 of the Village Code and Establishing Color Regulations for Chain Link Fences; seconded by Trustee Walkington.

Trustee Derenoski researched Lowe's regarding the cost of putting up a color requirement on chain link fencing which he had handouts. The chain link fence for an 11 gauge in vinyl coated color is more expensive. The black is \$18.16 more and the green will be \$19.16 more per roll. Trustee Derenoski added that Hainesville is not a homeowner's association so he can't see regulating the color of the fence especially since it will cost more. If the Board is trying to save the resident's money this would make them pay more for a fence whose primary function is for safety of children and pets. He finds the idea ludicrous and he will fight that this does not pass because it is wrong and over-reaching the regulations as a Village. The Village should not be able to regulate the color of someone's fence.

Trustee Kriese agreed with Trustee Derenoski. Mayor Soto stated that if a resident replaces 51% or more then the whole fence would have to be vinyl.

Trustee Duberstein stated that this issue was brought up at a Wetland Meeting. When a resident puts up a wooden fence they are required to put the good side on the outside so the neighbor has a nice view. This is for the neighbor's benefit and this would be the same thing. If the neighbors need to look at a fence they would prefer to make it as inconspicuous as possible. This is why this was requested. It is not different than how a wooden fence is put in as far as regulation. This is so it doesn't impact people's view if they are looking at the lake or having to look out their yard. Trustee Daley stated that the Village does not tell resident's what color to stain their wooden fence. If they wanted it purple we are not saying they can't. Trustee Duberstein added that it is not what color they will make the fence it is that the fence will be less noticeable like looking at the nice side of a wooden fence. The Board doesn't care what color the resident picks but it will minimize the harshness of the chain link fence. Trustee Derenoski noted that putting the good side on the outside of the fence does not increase the cost of the fence where this will increase the cost by at least \$18.16 a roll. The Board is not only telling residents what type of fence but that they have to spend more on a fence. With regard to the view of the lake argument, if a resident is on Tall Oak and they are looking at someone's home then that home is blocking the view of the lake not the fence. He does not see how a view of the lake is a valid point.

Trustee Barrett agrees that the Board can't dictate to the citizens of the community what color fence they can put up and that it will be more money to do it. Staining a wooden fence is expensive. He does not have a problem with chain link fences. Perhaps a solution would be the plastic slats that go into it instead of only having the color vinyl coating. As long as it is maintained if it becomes an eyesore then Russ will go out and look at the fence. The Board should not mandate to the community that they need to spend extra on fencing.

Trustee Daley stated that it was obvious this would not pass. He did not want to be the color police for any other business such as what color residents should paint their shutters, house or fence; he is opposed to this ordinance.

Trustee Walkington stated that this is like having residents treat the dandelions. A good wooden fence is more than a chain link but the Board does not need to dictate what color the fence should be. There are other ways to make a chain link fence better in appearance. Costs can't be compared because a chain link fence in any color is half the price of a wooden fence. The cost is beside the point but he would not want to tell someone what color they have to make the fence.

Building Official Russ Kraly noted that the reason this came up was because people complained that when the sun would hit the chain link fence it was blinding and glaring. They do make the vinyl products. A fence for the Village's size lots would cost about \$60 more than over the plain galvanized fence. It is not hundreds or thousands of dollars. With a wood fence the resident has to spend money to upkeep it. Once the vinyl fence is put in it is done; no further maintenance is needed. From that standpoint Russ stated that it will be a nice looking fence without glare. He also noted that with the black or green fence the transformation is unbelievable; it looks good. Russ mentioned that in Riverwoods this was fought also but people love it because the fence disappears from sight.

Village Attorney Jim Rock stated that from the standpoint whether the ordinance gets enacted or not is a policy decision left up to the Board. The Board does have the authority to establish fence color. There are similar ordinances like this throughout Lake County but not every community has one because they choose not to. There is no legal reason why the Board couldn't establish the color for any fences. He is not advocating it but the Board could make those choices.

Mayor Soto added that she has been all over on this issue. She does not have strong feelings either way. She has not been opposed to chain link fences particularly in this area. She does not always like wood fences by a wetland because the view is lost. It's not that it is unattractive as a wood fence but the view is lost. Chain link keeps the view of the lake or nature. Mayor Soto stated that when you drive through Hainesville there are a lot of wood fences and many of the chain link fencing are colored; the resident made that choice on their own. Her personal favorite is the black because it is more striking especially by the preserves and wetlands. It does not disrupt the view. Mayor Soto agrees with some of the Trustees that the Board should not be the color

police. It does not add that much money to do the color. There is a difference between vinyl and powder coat. Powder coat adheres and it does scratch. The vinyl does not come off or rust.

Mayor Soto added that an additional comment was made regarding fencing. She recommends walking away from this issue for now and ponder whether the Board wants to make changes to the fencing code if any. The other issue is regarding the fencing that runs along Hainesville Road and Washington Road. It was put up by the builder but it is the homeowners responsibility to repair or replace. The fences have aged and the wind storms many have been replaced. It was brought up to the Mayor that the Village should consider a uniform type fencing because now there are different fences. Her reaction was that she didn't notice anything unattractive. She drove by and observed that there re some new fences and different styles. The new styles are better than the older and they stick out because it is new wood versus weathered wood. The other question was that there is a height difference. The only difference she noted was a few inches. She spoke with Russ and that can occur but if the Board wanted to do something about this issue they cannot isolate specific areas of the Village. The whole fencing ordinance would need to require all fencing to be changed. The other thought was should the Village take on the responsibility for this fencing. Mayor Soto does not want to do this at this time because of the cost and maintenance. It would not be fair to the residents who just put up new fences because the Village would pay for the others.

Mayor Soto asked the Trustees to drive through the communities and look at fencing to see what they want to change, if anything, in the fencing ordinance and let Russ know.

Trustee Duberstein stated that this came about because a fence went up on Tall Oak facing Cranberry Lake. If they put up a fence facing Cranberry Lake with the vinyl coating it is much less noticeable. The request was made to the Wetland Committee regarding the chain link fences along Tall Oak that back up to Cranberry Lake but can't make an ordinance that is only for a section of the Village. It has to apply everywhere but it was primarily designed to deal with the backyards of Tall Oak Drive.

Mayor Soto asked if this resident had put up a solid wood fence would they be any happier to have lost the view. Trustee Duberstein stated that they would not. The Mayor stated that this is why the Board is here to revisit these issues but she does not want to rush into changing. There does not seem to be enough votes. She would like the Trustees to drive around and think about what was said and let Russ and her know their thoughts.

Trustee Duberstein withdrew her motion.

Village Attorney Jim Rock stated that if Trustee Duberstein does not withdraw her motion there has been a second the Board needs to vote. If she chooses to withdraw then there is no need for a vote.

Trustee Walkington withdrew his second on the motion.

Trustee Daley stated that if the Board demands that all fences along Hainesville and Washington be the same then the Village should take ownership and pay for them. Mayor Soto agrees. Village Attorney Jim Rock stated that it is more complex because it is private property and the Village does not have the easement. It would be more involved. Mayor Soto added that there are residents who insist it is the Village's responsibility.

Trustee Derenoski motioned to adjourn the May 8th, 2012 Regular Board Meeting; seconded by Trustee Walkington.
All in favor say aye, motion carried.

The May 8, 2012 Regular Board Meeting adjourned at 8:19 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk