

December 10th, 2013 Public Hearing Minutes

Public Hearing for the Levying and Assessing Taxes of Cranberry Lake Special Service Area Number One of the Village of Hainesville for the Year 2013 Meeting called to Order by Clerk Metzler at 7:04 p.m.

Clerk Metzler stated that Mayor Linda Soto was home with the flu.

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

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Building Official Aki Mishima, Village Attorney Jim Rock and Village Engineer Greg Gruen

Absent: Mayor Linda Soto, Trustees Duberstein and Walkington, Public Works Superintendent Jeff Gately and EMA Coordinator Mike Benko

Clerk Metzler asked for a motion to appoint a temporary chairperson.

Trustee Kriese motioned to appoint Trustee Daley as a Temporary Chairperson; seconded by Trustee Derenoski

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Establishment of quorum

Chief Perlini came in at 7:09 p.m.

Public Comment

Jim Denomie, 120 Tall Oak Dr., Hainesville, IL 60073 – wanted clarification that what will be done at the meeting will supercede the 4 acres that fall under the auspices of the North Townhome Association. Trustee Derenoski stated that the Board is re-establishing the SSA so the funds can build up and pay for the continued stewardship. Mr. Denomie asked if the stewardship and Army Corps of Engineer opinion would apply to the 4 acres that has had nothing done to it. Village Attorney Jim Rock stated that the Village's responsibility in terms of enforcement of the Army Corp permit is for the conservancy easement and he did not believe the 4 acres fall in that easement area. It belongs to the Townhome Association. Trustee Daley stated that since there is not a definitive answer they will get the answer and call Mr. Denomie.

Mr. Denomie added that the Cranberry Lake North Townhome Association has not acted upon Cranberry Lake land improvements as has been the case with two thirds of the lake itself. It has been through the efforts of the Cranberry Lake residents, Village residents and community service workers. Nothing has been done therefore he feels if they can sit with the Association leadership to talk about the 4 acre and if nothing gets done he'd like to look

at existing statutes that do exist so the Village can turn that area into an improvement. He explained the Illinois Exotic Weed Act. There is also a new Priority Lien Ordinance on vacant property in Hainesville which might be enforced. He also suggested imposing current and active regulations for preservation; such as increasing site inspections. There is also demolition by neglect, affirmative maintenance etc. Mr. Denomie stated that if there is no satisfaction the Village may look at the concept of petty offenses. He also suggested other ways the Village can go through if no action is taken by the Association. Cranberry Lake is a federally protected aided wetland and water preserve. It deals with stormwater and habitat issues. His list has the number of partnerships that might help the Village. Trustee Daley stated that he will distribute the list which Mr. Denomie provided.

David Criz, 567 Triumph Ct., Hainesville, IL 60073 – stated that as a member of the Cranberry Lake North Townhome Association that the property has not come up to the rest of the standards of the SSA. After some research looking at a Plat Map, the boundaries of the SSA on the North side seem to conform to the trail itself not the embankment north of the trail along the townhome property. This can be discussed later. Mr. Criz asked the total number of tax paying entities in the SSA and what will be the annual bill for the next few years. Trustee Daley stated that the Ordinance being proposed tonight states that the annual bill is \$37, and where it will go in the future will be an annual Board decision. Mr. Criz clarified that even though it is a two year improvement plan next year the Board decides again. Trustee Daley stated that is correct. There are 553 homes in the SSA.

Barbara Jersey, 120 Tall Oak Dr., Hainesville, IL 60073 – apologized that she was not at the larger meeting. She was under the impression that the easement decision was not definitively made at this time but still under consideration. However the levy implies that a decision was made about the easement. Village Attorney Jim Rock stated that is not correct. Trustee Daley asked what Ms. Jersey thought was decided. She was under the impression that the easement was going to be returned to the authority of the Village and that the Village would be in charge of the maintenance of the easement. Trustee Daley stated that the Village never relinquished the authority but is now taking up the maintenance which should have been done all along. The Village will meet individually with the property owners that will be affected to work with them on the decision as to what will be done to their portion of the easement, such as trees, shrubs etc. That decision has been made.

Ms. Jersey understands that the Board never legally relinquished it but did publically. It did in front of a forum of residents who have been living there since 1999 or 2000. She feels that since the Village publically declared that they would not enforce their authority to do anything about the residents making their own decision about what they wanted to do in the easement. She feels this will present some problems and she spelled out in a letter her feelings about this issue. It has caused dissension in her own household. Trustee Daley noted that a number of the issues Ms. Jersey has was addressed by Mayor Soto at the last meeting. The Mayor and the staff did a lot of research and when the Board made that decision they did not have the legal right to do so. This Board is doing what is required to do by the law. The Board must abide by the Army Corps contract and it must be done. The Mayor is trying to lessen the hard feelings by giving the land owners some input on what

can be done. Ms. Jersey understands and commends the Board for taking this brave response and being accommodating. She submitted her letter to the Board.

Trustee Barrett motioned to adjourn the December 10th, 2013 Public Hearing; seconded by Trustee Derenoski.
All in favor say aye, motion carried.

The December 10th, 2013 Public Hearing adjourned at 7: 20 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk

December 10th, 2013 Regular Board Meeting Minutes

Meeting called to order at the Village of Hainesville Council Chambers by Trustee Daley at 7:21 p.m.

Trustee Daley led the pledge of allegiance to the flag.

Clerk Kathy Metzler took roll call. The following Officials were present: Temporary Chairperson Daley, Trustees Derenoski, Kriese and Barrett

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Building Official Aki Mishima, Village Attorney Jim Rock, Village Engineer Greg Gruen and Police Chief Perlini

Absent: Mayor Linda Soto, Trustees Duberstein and Walkington, Public Works Superintendent Jeff Gately and EMA Coordinator Mike Benko

Establishment of quorum

Agenda Approval

Trustee Kriese motioned to approve the agenda as presented; seconded by Trustee Derenoski.

Roll Call:

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

Absent: Trustees Duberstein and Walkington

Motion carried.

Public comments:

David Criz, 567 Triumph Ct., Hainesville, IL 60073 – addressed the scope of the improvements. He understands that this has been neglected by the Village but he feels this is a large and open ended sum of money for a project described as a sliver of the total conservancy land property. He listened to Dave Coulter's comment from the last meeting again and he stopped doing some of the work at the trail. Some of the areas to the west of Tall Oak were obvious as far as invasives at the time he did the original work. The five year plan only cost in the \$60,000 range and this will be more than a third for 20 properties. He examined the plat and saw where the encroachments are. He questions the cost and why is this area treated differently than the rest of the conservancy. The work is also being done without taking bids. Also, he has not seen any drawings and a lot of the stuff is done between Dave Coulter and Trustee Duberstein. There is not a formal landscape type proposal with material list and sketches. Some of the things Dave Coulter talked about at the last meeting such as mini paths through all the back lots seem to Mr. Criz to be excessive.

Jim Denomie, 120 Tall Oak Dr., Hainesville, IL 60073 – Mr. Denomie stated that the sidewalk and immediate area of the intersection of Jubilee and Cranberry Lake Drive has sunk. This is an emergency exit for the townhome. During heavy rains there is a large pool of water and when it's cold it becomes glare ice. If it snows you cannot see it. He'd like Public Works to take a look at this area before someone falls. Trustee Daley stated that Mayor Soto will get the information when she returns. If the Mayor is not back tomorrow Jeff will go out and look at it to remedy the situation.

Omnibus Vote Agenda

1. A Motion to Approve the November 12th, 2013 Regular Board Meeting Minutes
2. A Motion to Approve the November 2013 Bills Payable for \$128,445.41
3. A Motion to Approve the December 2013 Bills Payable for \$89,837.51
4. A Motion to Approve the November 2013 Financial Statements
5. Approval of Hardship Request for Cranberry Lake North – 52 W. Big Horn
6. Approval of Hardship Request for Cranberry Lake North – 614 Triumph Court

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

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Reports and Communications from Mayor and other Officers:

Village Engineer

Village Engineer Greg Gruen reported that the MFT CDBG grant was delivered to the County. It is for the resurfacing of Cranberry Lake subdivision. Once this is done the intersection mentioned by Mr. Denomie will be taken care of. It is expected to be voted on in January 2014.

Greg stated that phase one of Washington Street from Hainesville Road to Cedar Lake Road is open. Phase 2 is from Hainesville Road to Haryan Way, it was originally scheduled to be bid in the fall, however, there were easement and right of way issues so it will be bid in the fall of 2014 with a 2015 start date. Phase 3 is from Haryan Way to Lake Street which includes the underpass under the railroad tracks will start at the same time as Phase 2 in 2015.

Village Attorney

Village Attorney Jim Rock met with Mayor Soto and Chief Perlini to discuss some of the ordinances that are on the agenda in the business section as well as discussion of the ordinance for the SSA.

Public Works Superintendent

Public Works Superintendent Jeff Gately was not in attendance.

Building Official

Building Official Aki Mishima reported that there were 16 permits issued this month which were less than the previous month. There were 5 separate permits issued for one resident. He did not get permits for work done on his unit which would have been found during the Occupancy Inspection.

Aki also reported that 448 and 450 walked through their units for the last time on November 13 and 14. They gave QCI the approval to dispose of the contents. Nicor and ComEd have both disconnected service and removed the meters. Demolition of the two units took place on November 19 and 20th. Protective tarp was put up and the fence was adjusted with a No Trespassing sign posted. Construction documents are in progress for units 448 and 450 and Aki expects QCI to apply for permit within the week.

Village Engineer Greg Gruen left the Council Chambers at 7:29 p.m.

Police Chief

Police Chief Perlini was in attendance in the event there were questions later in the business section.

Treasurer

Treasurer Kelly Hensley reminded Trustees and staff members that budgets are due January 10th.

Village Clerk

Village Clerk Kathy Metzler reported that she worked on the meeting dates ordinance that is on the agenda. She also shopped with the Mayor for the Holiday Mixer and worked the event.

Village Clerk Kathy Metzler reported that the Mayor wanted to thank everyone who was involved with the Holiday Mixer and Shop with a Cop. The Mayor wishes everyone a safe and happy holiday.

Trustee Daley thanked the participants and workers of the Holiday Mixer. The choir and jazz bands were very good.

Mayor

Mayor Linda Soto was not in attendance due to illness.

Reports of Standing Committees

Finance – Trustee Daley had nothing to report. They are working on the budget.

Public Works – Trustee Walkington was not present.

Public Safety – Trustee Kriese stated that the committee discussed what they will try to do next year as far as a safety workshop. They will get back to the Mayor. Trustee Kriese

thanked Chief Perlini and the Grayslake Police Department and the other police departments that cooperated with Shop with a Cop.

Wetlands and Open Spaces and Great Age Club - Trustee Duberstein was not present.

Broadcast Media Manager – Trustee Derenoski reported that there was a lot of activity on YouTube. There were 36 views, majority being the last Board meeting. Out of the 36 views 89 minutes of the Board meeting were viewed.

Transportation – Trustee Barrett reported that Rollins Road is open with configuration changes. There is no left turn by Rosati’s Pizza because the stop light is out.

He also stated that the Groot Transfer Station is up for a vote. It will have to be looked at to see how the truck traffic will be handled.

**Special Events – Residents Jacki Brunk, Mary Ellicson & Rich Scutellaro
Mayor Linda Soto & Village Clerk Kathy Metzler**

No one was in attendance.

Business

Waive the Bidding Process for the 2 year Restoration Plan for the Cranberry Lake “Conservancy Easement”

Trustee Derenoski motioned to approve the Waiving of the Bidding Process for the 2 year Restoration Plan for the Cranberry Lake “Conservancy Easement”; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

A 2-year Restoration Plan for the Cranberry Lake “Conservancy Easement” – Native Restoration Services, Inc. for the amount of \$23,554-\$29,659 to be included in the 2014-2015 and 2015-2016 budget

Trustee Derenoski motioned to approve a 2-year Restoration Plan for the Cranberry Lake “Conservancy Easement” – Native Restoration Services, Inc. for the amount of \$23,554-\$29,659 to be included in the 2014-2015 and 2015-2016 budget; seconded by Trustee Barrett.

Trustee Barrett asked why there is a \$5,000 span. Trustee Daley stated that it is because the Mayor wanted some leeway in the event the families involved go for more expensive options.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

An Ordinance Amending Chapter 9.20 of the Village of Hainesville Municipal Code Governing the Concealed Carry of Weapons

Trustee Barrett motioned to approve an Ordinance Amending Chapter 9.20 of the Village of Hainesville Municipal Code Governing the Concealed Carry of Weapons; seconded by Trustee Kriese.

Village Attorney Jim Rock stated that he worked with Chief Perlini and the Mayor on this ordinance. This ordinance brings the Village into compliance with the new concealed carry law. It takes out some language in the existing ordinance that local governments aren't allowed to have in the ordinance.

Chief Perlini added that we are just getting the Village compliant with what the law is going to be. He attended a conference and was briefed by the State Police as to the new law. Also, some things were added that were not in the ordinance but are still against the law such as Tasers and other items that cannot be legally possessed in Illinois even under the Concealed Carry Law.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Ordinance # 13-12-179

An Ordinance Levying and Assessing Taxes of Cranberry Lake Special Service Area Number One of the Village of Hainesville for the Year 2013

Trustee Derenoski motioned to approve an Ordinance Levying and Assessing Taxes of Cranberry Lake Special Service Area Number One of the Village of Hainesville for the Year 2013 at \$37. per property; seconded by Trustee Barrett.

Roll Call:

Ayes: Trustees Derenoski, Kriese and Barrett

Nays: Trustee Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Ordinance # 13-12-180

An Ordinance Establishing Regular Meeting Dates and Standing Committee Meeting Dates for 2014

Trustee Barrett motioned to approve an Ordinance Establishing Regular Meetings Dates and Standing Committee Meeting Dates for 2014; seconded by Trustee Kriese.

Village Clerk Kathy Metzler stated that she did not put out her normal memo to everybody.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Ordinance # 13-12-181

An Ordinance Amending Chapter 10.08 of the Village of Hainesville Municipal Code to and Establishing Regulations Governing the Parking of Certain Vehicles in Residential Garages, Driveways and Yards

Trustee Derenoski motioned to approve an Ordinance Amending Chapter 10.08 of the Village of Hainesville Municipal Code to and Establishing Regulations Governing the Parking of Certain Vehicles in Residential Garages, Driveways and Yards; seconded by Trustee Barrett.

Village Attorney Jim Rock stated that this ordinance was on the books in the Village for a number of years and many residents believed it still existed. They contacted the Mayor and others at the Village Hall with concerns of parking certain recreational vehicles, watercraft and snowmobiles in driveways. The ordinance was rescinded. He spoke with the Mayor and Chief Perlini and they considered re-establishing the ordinance.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Ordinance #13-12-182

An Ordinance Amending the Village of Hainesville Code to Establish a System of Administrative Adjudication of Village Code Violations

Trustee Barrett motioned to approve an Ordinance Amending the Village of Hainesville Code to Establish a System of Administrative Adjudication of Village Code Violations; seconded by Trustee Kriese.

Village Attorney Jim Rock noted that the statutes authorize municipalities to establish a system of Administrative Adjudication for certain types of ordinances, not everything can be included. We have listed the titles of our code that can be addressed with this which includes business licenses and regulations, animals, health and safety, public peace, morals and welfare etc. An advantage of an Administrative Hearing system is that it keeps these kind of cases out of the courts and is more efficient and convenient. If the Board adopts this ordinance the Village would be part of a process that the Village of Grayslake has already been utilizing. The hearing officer is engaged by the Village of Libertyville and serves other communities.

Chief Perlini described how the process works. An Officer writes a citation and the case is sent to adjudication. The officer does not have to appear because it is a civil hearing and the adjudicator judge makes a finding. It is not a criminal process so it keeps people out of the court system. The adjudication ticket is instead of a misdemeanor or local ordinance ticket. Some traffic citations cannot be done in this way. Moving violations and licensing violations cannot be done in this way. Small amounts of possession of cannabis can be written to deserving individuals so they do not go through the court system; they would go to adjudication and give them a chance to fix their behavior.

Trustee Daley added that the hearing officer's decision is binding and it could carry a fine but not jail time. Chief Perlini also noted that if the adjudication judge decides it is beyond him and needs to go to branch court the officer would write a regular citation. Just because an adjudication ticket is given doesn't mean that the Village can't go to a different level.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Barrett and Daley

Absent: Trustees Duberstein and Walkington

Motion carried.

Ordinance #13-12-183

Trustee Derenoski motioned to adjourn the December 10th, 2013 Regular Board Meeting; seconded by Trustee Barrett.

All in favor say aye, motion carried.

The December 10, 2013 Regular Board Meeting adjourned at 7:51 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk