

MINUTES OF THE VILLAGE BOARD OF LONG GROVE

Tuesday, June 9, 2009 at 7 P.M.

3110 RFD, LONG GROVE, ILLINOIS 60047-9613

CALL TO ORDER:

President Rodriguez called the meeting to order at 7:03 P.M.

1.

OFFICIALS IN ATTENDANCE:

Village President: Rodriguez
Trustees: Barry, Marshall, Schmitt, Wachs, Weber
Trustees Absent: Acuna,
Village Clerk: Schultheis
Also Present: Village Manager Lothspeich, Village Counsels Filippini, Superintendent Block and Village Engineer and Enforcement Officer Witkowski.

Barbara Turner's 90th Birthday – President Rodriguez told the audience that they were invited to attend the 90th birthday party for Barbara Turner at Reed-Turner Woodlands on June 14, between 1 – 4 PM. – **No action was taken.**

Archer Parking Lot – Superintendent Block said that the concrete pre-pour was completed. He also said that the expected date to get the binder down was June 15. – **No action was taken.**

LED Lights – Superintendent Block stated that the Village was looking into using LED lights for Archer Lot because they saved on electricity, were softer and required less maintenance; even though their initial cost was greater to buy. – **No action was taken.**

Gazebo – It was noted that the Park District was considering where to relocate the gazebo from Old McHenry Road. – **No action was taken.**

Items from Audience:

Paint the Town Pink – Renee Clark said that while the event had a light turnout, the charity did make \$46,000-plus from the Avon Walk. – **No action was taken.**

Parkway and Bicycle Concerns – Bob Guldbek of 3861 Old McHenry Road said that the condition of the parkway from Old McHenry to Route 20. He also worried about the bicycles and the people walking in Long Grove in areas of high traffic. Superintendent Block said that Lake County had been asked to mow their stretch of the right of way. He also said that the Village only maintained the Village road south toward the downtown. Trustee Barry commented regarding the pathways that the Village was waiting for grant money to continue to provide pathways. It was also noted by Village Counsel Filippini that Springfield has determined that bicyclists have the right to use the roads just the same as cars do – it is only pedestrians that the Village can place rules regarding. – **No action was taken.**

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Downtown Merchants – Tobin Fraley said that Trustees needed to come to the Downtown and meet with the merchants, as there was a growing frustration amongst the merchants.

Item: Homeowner Associations:

Country Club Estates – George Yeager & Nancy Mora. – HOA President Yeager commented that the snowplowing during the winter months had been excellent.

He also said that there was some overhanging foliage over the path by the golf course south of Sumter, and wondered who would take care of that - Village Manager Lothspeich said that the Village would inspect it and try to trim it back.

HOA President Yeager commented on the homes that were foreclosed, and who would arrange for the cutting of the lawns of those abandoned properties. In particular, there was a property on Antietam and Pottowatamie that was not being mowed. Superintendent Block said that the Village would look into finding out who the mortgage holder was.

HOA President Yeager said that there was a concern about the volume of traffic on Schaeffer and Hicks Road.

HOA President Yeager said that Country Club Estates subdivision is able to post information on a subdivision-wide yahoo web page. – **No action was taken.**

Flood Issues on Shenandoah – Mike Lavezzorio of 2548 Shenandoah said that over the past nine years there have been flooding issues at his home and the homes of nearby neighbors. He said that there was a question as to ownership of the sewer line. He also said that there were biological problems with

septic runoff. Superintendent Block noted that the Village had applied for Storm water funding, but had been turned down. Village Manager Lothspeich said that the challenge was that the storm sewer was not in the easement or right-of-way, and that the costs associated with the large pipes would be expensive. Village Manager Lothspeich said that the Village would follow up with the homeowner. – **No action was taken.**

Woods End – David Korshak. – No one was present. No action was taken.

ACTION ITEMS:

Item #1: Resolution Re: Fourth Amendment To Lake County Sewer Agreement.

On May 11, 2009, Resident Jim Miller submitted a request to connect the planned new residence (6713 Diamond Lake Road) to the existing sanitary sewer that would require: (1) an amendment (fourth) of the existing Agreement with Lake County (expand the service area to add the property); and (2) approval by the Village to connect to the Lake County sanitary sewer. During the May 26, 2009 Board meeting, the Village Board (as currently composed) indicated support of pursuing comprehensive changes to the existing sanitary sewer agreement with Lake County and directed Counsel to prepare the necessary approval ordinance amending the existing Agreement to allow for the connection of the Miller property to sanitary sewer so as not to cause unnecessary delay for the construction of the new Miller residence. – **Trustee Wachs moved to Approve a Resolution Approving and Authorizing Execution of the Fourth Amendment to the 1972 Agreement for Sewage Disposal Between the Village and the County of Lake for Providing Sanitary Sewer Service to 6713 Diamond Lake Road; seconded by Trustee Marshall.**

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent)

Item #2: Resolution Rescinding Exclusive Developer Status For Archer Outlots.

As directed by the Village Board during the May 12, 2009 Meeting, Staff informed RN Realty President Leigh Rabman of the need to have the Development Agreement completed prior to the June 9, 2009 Board Meeting or the Village Board may rescind their Exclusive Developer status. Mr. Rabman responded that there was very little interest for any commercial properties and suggested that the Village and he continue without a formal agreement in order to save both time and money. Mr. Rabman provided the attached June 3, 2009 memo and project schedule suggesting that the relationship continue through September in order to provide RNR the ability to further market the property during the busy summer months and the upcoming commercial developer convention in Chicago. Staff forwarded this information and consulted with BDI Representative Bridget Lane who supported Mr. Rabman analysis of the current market and suggested that continuing with the informal agreement may be of value to the Village since she was concerned that soliciting development proposals in this market would not likely result in any better offers. – Discussion regarding whether or not to rescind the Exclusive Developer Agreement. General Consensus of the Trustees was to wait for a report from RNR and ask again for a commitment. – **CONTINUED.**

Item #3: Ordinance Approving The Sale Of Surplus Property – Archer Parking Lot Lights.

With the upcoming demolition/construction of Phase II of the Archer Parking Lot, the existing eleven (11) parking lot lighting fixtures will be removed. Staff suggests that the Village consider keeping several of the fixtures for installation at the Village Hall and possibly the Village Soccer Fields for security purposes. The remaining fixtures can be sold/donated to those interested. The Long Grove Fire Protection District has expressed an interest in several fixtures for their parking lot and Green Court Partners has expressed an interest for installation in Fountain Square. If approved, Staff will store the Village's fixtures on the Long Grove Fire Protection District property and solicit formal bids from others interested in purchasing (original purchase price = \$1,800 each). – **Trustee Wachs moved to Approve an Ordinance Authorizing the Sale/Disposal of Certain Surplus Personal Property (Eleven Archer Parking Lot Lights/Fixtures) Owned by the Village of Long Grove; seconded by Trustee Marshall.**

ROLL CALL VOTE:

Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye. (Motion carried 5 – 0; one absent)

Item #4: Resolution Waiving Bids And Approving Contract For Paving Schaeffer Pathway.

Village President Rodriguez, Village Superintendent Block, Village Planner Hogue and Staff met with the South Schaeffer Road neighborhood (south of the closed portion of Schaeffer and north of

Checker) on Wednesday, May 20th to review the planned installation of the Schaeffer Road pathway. Although there remained some outright objections to the pathway being installed, the adjacent property owner Bonnett indicated that they were primarily concerned about the maintenance and appearance of the planned limestone screening pathway being in “front” of their home. Village Engineer Chiczewski obtained a proposal from the contractor installing the pathway (Pease Construction) to replace the final surface of limestone screenings with asphalt for \$18.00 per SY for the properties that were in similar situations, South Schaeffer (667 SY = \$12,006.00) and the two properties north of the closed off portion of Schaeffer (610 SY = \$10,980.00), for a total cost of \$22,986.00. The Pathway Committee met on Friday, May 22nd and supports the installation of asphalt in these situations and recommends that the additional expense be paid of the remaining fines paid by Menards for violations under their Temporary Occupancy Agreement (\$96,000 total fines paid, if the Tallgrass landscaping plans are approved (\$37,258.50) approximately \$55,000 remains). – **Trustee Wachs moved to Approve a Resolution Waiving Bids and Awarding a Contract to J. Pease Construction Co, Inc. for Asphalt Paving Portions of the South Schaeffer Road Pathway from Checker Road to Antietem Drive for an Amount not Exceed \$22, 986.00; seconded by Trustee Barry.**

Discussion regarding paths that are within one or two feet of the road, and whether these paths should connect to the road. Village Manager Lothspeich said that for safety reasons there needed to be a separation of the path from the road. Trustee Barry said that there have been engineers checking to make certain that the paths that were installed were the approved base and width. In most cases, the paths are supposed to be five feet; but Village Manager Lothspeich said that because of obstructions, some parts of the pathway may be only as narrow as four feet-three inches wide. Village Engineer and Enforcement Officer Witkowski said that checks were also being carried out by ESI to verify that the correct tonnage of asphalt was utilized when constructing the paths – in most cases, there is two inches or more of asphalt on the path.

ROLL CALL VOTE:

**Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye.
(Motion carried 5 – 0; one absent)**

Item #5: Resolution Approving NPDES II – MS4 Year 6 Report.

The proposed National Pollutant Discharge Elimination System (NPDES) II – MS4 Year 6 Report continues the approach followed for the first 5 years, developing a plan for implementing various goals toward final compliance in Year 5 (2008). The NPDES permit needs to be submitted to the IEPA. Most of this continues to piggyback on the countywide efforts. – **Trustee Barry moved to Approve a Resolution Approving the Village of Long Grove National Pollutant Discharge Elimination System (NPDES II) – MS4 Year 6 Report; seconded by Trustee Schmitt.**

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent)

Item #6: Resolution Re: Preliminary Engineering For The Replacement Of Oakwood Bridge.

On March 11, 2008 the Village Board approved a resolution awarding the contract for the replacement of the Oakwood Guardrail in the amount of \$54,386.00. During the July 8, 2008 Board Meeting, it was reported that during subsequent bridge inspections, it was noted that there were failures to the concrete span bridge deck. The Illinois Department Of Transportation (IDOT) recently updated their rating of the Oakwood Bridge and was found to have a potentially critical crack. The good news is this that it is eligible for Federal Highway Bridge Program (HBP) funds which cover 80% of engineering and construction. In September 2008, the Village Board directed the Village Engineer to proceed with the original contract to replace the guardrails noting that HBP funds would not be awarded/available for the completed replacement of the Oakwood Bridge for at least another year and that the guardrails could be re-used as part of the future bridge replacement. ESI has since confirmed available funding through IDOT and the next required action by the Village is to approve the enclosed IDOT Preliminary Engineering Services Agreement for approval by IDOT prior to starting the actual preliminary engineering. The process to receive final approval of the project and to begin construction is anticipated to take up to 12 months or more with the construction planned to be completed when school is out next Summer (2010). It is important to note that 80% of the \$48,958.09 is expected to be reimbursed to the Village through the HBP funds with the Village’s 20% share totaling \$9,791.62. – **Trustee Barry moved to Approve a Resolution Approving The Local Agency Preliminary Engineering Services Agreement with ESI as amended for an Amount Not to Exceed \$54,386; seconded by Trustee Schmitt.**

ROLL CALL VOTE:

**Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye.
(Motion carried 5 – 0; one absent).**

Item #7: Resolution Approving Contract For Stabilizing The Sunset Grove Property.

With the Sunset Grove Development on indefinite hold, the Village formally noticed MidAmerica of the site violations, fines and deadline for completion by May 30, 2009. With no response or indication from MidAmerica, Village Engineer ESI has been working with Emerald Site Services (*the same contractor originally hired by Sunset Grove to stabilize the site but not authorized to complete the required work*) to provide the attached proposal:

Emerald Site Services Proposal Summary:

<i>Site/Detention Grading:</i>	\$25,500
<i>Alternate #3 w/Seeding:</i>	\$47,500 (\$38,000 + \$9,500)
<i>Total Cost Not To Exceed:</i>	\$73,000

- This topic was moved to Executive Session. **No motion made at this time.**

Item #8: Resolution Approving Seventh Amendment to Manager's Employment Agreement.

The resolution amends the existing agreement to renew the annual Agreement reflecting the salary freeze for all employees due to the current economic conditions as approved with the Village Budget.

- **Trustee Barry moved to Approve a Resolution Approving the Seventh Amendment to the Village Manager's Employment Agreement; seconded by Trustee Schmitt.**

ROLL CALL VOTE:

Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye.

(Motion carried 5 – 0; one absent).

It was noted that there were no salary increases approved in this motion.

Item #9: Village President Rodriguez.

Places of Worship Liquor License – Discussion regarding whether or not the Village should have places of worship get yearly or one-time liquor licenses to bring them in compliance with the law. Many houses of worship do not realize that in order to serve alcohol on the premises for money, they need the distributor to have a liquor license, and the house of worship needs a license from the Village to sell it within the Village. It was also noted Village Counsel Filippini that the Village, as the permit agency, does not have liability for the alcohol served on the premises. The sense of the Board is that there should be consideration during the June 23, 2009 Board Meeting to make amendments to the Village Code for a new license category. – **No action was taken.**

Springfield Lobbyist – Village President Rodriguez said that the Village did have a lobbyist in the past, and considering the new developments with the proposed extension of Rte 53, there might be consideration for retaining a lobbyist. Village Counsel Filippini said that Holland and Knight had three registered lobbyists; and that the advantage of having a lobbyist was that they might be able to offer greater access to regulators. Trustee Wachs said that on a specific issue, lobbyists might be considered, but not for the more general issues. The other Trustees agreed that there might be a specific need from time to time for a lobbyist but that one should not be put on retainer. – **No action was taken.**

Item #10: Village Trustee Acuna.

Absent

A. Treasurer Report For May 31, 2009. – Trustee Schmitt moved to Approve the Treasurer's Report for May 31, 2009; seconded by Trustee Weber.

ROLL CALL VOTE:

Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye.

(Motion carried 5 – 0; one absent).

Item #11: Village Trustee Barry.

Schaeffer Road Pathway – Update. Although not yet signed by the Governor, the interim State Capital Budget included \$175,000 for the pathway that would connect Schaeffer Road pathway to the Buffalo Creek Forest Preserve and other possible project; and \$100,000 that may be used to connect the Schaeffer Road pathway to Old McHenry Road (along IL Route 53). – Trustee Barry had previously given a report on the pathways earlier in the meeting. – **No action was taken.**

Item #12: Village Trustee Marshall.

Nothing to report. No action was taken.

- **Item #13: Trustee Schmitt.**

Rain Garden – Trustee Schmitt said that the Rain Garden was postponed. – **No action was taken.**

HOA email – Trustee Schmitt said that the HOA’s representatives would be given explanation regarding the new email system – **No action was taken.**

- **Item #14: Village Trustee Wachs.**

Lake Michigan Water Planning Meeting – May 28, 2009. Staff attended the May 28th meeting. – Village Manager Lothspeich said the Village’s participation was tied to the referendum, and that the Village representative was only at the meeting to maintain a connection with the Committee. – **No action was taken.**

- **Item #15: Village Trustee Weber.**

Volunteer Program – Trustee Weber said that a new computerized database would be up and running on Village computers. She said that there should be a program for acknowledging volunteers and their contributions. She thought that the concept would include a letter from the Village President and that these letters might be sent out around Thanksgiving each year. – **No action was taken.**

Bridge Profiles – Trustee Weber thought that there might be more profile articles featured in *The Bridge*. She said that Trustee Schmitt, Administrative Assistant Shlagman and she would work on that. – **No action was taken.**

Updating Welcome Package – Trustee Weber said that the Village Welcome Package needed to be updated. She said that she hoped to have a new design and content ready for Village approval by August, 2009. – **No action was taken.**

Historical Society - Trustee Weber said that there were some new and innovative ideas being formatted by the Historical Society, and that updates would be given in future meetings – **No action was taken.**

Item #16: Village Clerk Schultheis.

Nothing to report. No action was taken.

Item #17: Village Manager Lothspeich.

Double G’s Outdoor Dining:

Double G’s owner/manager George Callas inquired about the possibility of having limited outdoor dining on their rear (south) patio. The Village Code was amended in 2003 to allow for outdoor dining to be permitted administratively for restaurants in the B-1 Historic Business District (ordinance 2003-O-37 - *attached*). The property for Double G’s (Formerly Gridley’s) was included as part of the total area for *The Preserve At Long Grove* Planned Unit Development (PUD) and the entire property was zoned R-2 PUD. Since the property is not zoned commercially, they do not have the ability to have limited outdoor dining as the other restaurants in the Village. Accordingly, either a minor amendment to the Village Code (expanding the limited outdoor dining provisions to include Double G’s) and/or a minor amendment to The Preserves Of Long Grove PUD and/or Gridley’s Special Use Permit (SUP) would be required. – Village Manager Lothspeich said that outdoor dining had been limited previously to the B1 District. He said that expanding outdoor dining outside of the District would require an amendment to the Special Use and B1 District Codes. Trustees agreed that the Village should look into offering relief to the restaurant. The direction was to have Counsel prepare an amendment to the Code to be voted upon at the June 23, 2009 meeting. – **No action was taken.**

Seidler and Associates – Village Manager Lothspeich said that the accounting firm had not asked for an increase from the Village in two years. They wrote a letter to the Village Manager requesting an increase of \$200 per month. The general consensus was that the firm has done a good job, but that the Village had financial issues, and was not obligated to increase the fee. Trustees believed that there should be a six-month moratorium before voting on a possible increase to see the impact of revenue from Menards. – **No action was taken.**

- **Item #18: Village Superintendent Block.**

Menards Superintendent Block said that Menards Store Manager had told him that the Long Grove Menard’s had one of the highest Menards Memorial Day sales in the country, especially in the Outdoor Garden Center – **No action was taken.**

Building and Fire Codes – Superintendent Block handed out the revised Building and Fire Code Ordinance to be reviewed by Trustees. He said that it contained thirteen different codes that the Village will adopt. – **No action was taken.**

Item #19: Village Planner Hogue.

Absent.

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Item #20: Village Attorney Filippini.

Nothing to report. No action was taken.

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Item #21: Approval of Board Meeting Minutes.

April 28, 2009 Board Minutes, as amended. - Trustee Barry moved to Approve the April 28, 2009 Board Minutes as amended; seconded by Trustee Schmitt.

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent)

May 26, 2009 Board Minutes, as amended. Trustee Barry moved to Approve the May 26, 2009 Board Minutes as amended; seconded by Trustee Schmitt.

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent)

Item: Executive Session.

At 9:05 P.M., Trustee Schmitt moved to go into Executive Session to Discuss (1) Executive Session Minutes; (2) Litigation; (3) Personnel Matters and (4) Acquisition and Disposition of Property; seconded by Trustee Wachs.

ROLL CALL VOTE:

Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs - aye; Weber - aye (Motion carried 5– 0; one absent).

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Item: Other Business.

May 26, 2009 Executive Session Meeting Minutes. - Trustee Schmitt moved to Approve the May 26, 2009 Executive Session Minutes as amended; but not for Public Release; seconded by Trustee Barry.

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent)

Item #7 Resolution for Contract Approving Stabilizing of The Sunset Grove Property

Trustee Barry moved to Approve a Resolution Approving the Waiver of Competitive Bidding And a Contract for Completion of Soil Stabilization Work at the Sunset Grove Property with Emerald Site Services as the Contractor for an Amount not to Exceed \$76,000.00; seconded by Trustee Schmitt.

ROLL CALL VOTE:

Acuna – absent; Barry – aye; Marshall – aye; Schmitt – aye; Wachs - aye; Weber - aye (Motion carried 5– 0; one absent).

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Item: Adjournment.

At 10:00 P.M., Trustee Barry moved to Adjourn; seconded by Trustee Marshall.

VOICE VOTE:

All ayes, no nays (Motion carried 5 – 0; Trustee Acuna absent).