

MINUTES OF THE VILLAGE BOARD OF LONG GROVE
Tuesday, October 25, 2011 at 7 P.M.
3110 RFD, LONG GROVE, ILLINOIS 60047-9613

CALL TO ORDER:

At 7:04 P.M. President Rodriguez called the October 25, 2011 Village Board Meeting to Order.

OFFICIALS IN ATTENDANCE:

Village President: Rodriguez
 Trustees: Barry, Marshall, Schmitt, Underwood, Wachs, Weber
 Village Clerk: Schultheis
 Also Present: Village Manager Lothspeich, Village Counsels Filippini and Gates

Call To Order: Recitation of the Pledge of Allegiance – Girl Scout Troop led the Pledge of Allegiance recitation.

Item: Visitors' Business: Homeowner Associations:

Bennington – Kevin O'Connor.

Long Grove Knolls - Jackie Murphy.

- **No one was present. Nothing to report.**

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THERE WERE NO ITEMS FROM THE AUDIENCE

ACTION ITEMS:**Item #1: Report Of The October 18, 2011 PCZBA Meeting.**

The Plan Commission & Zoning Board Of Appeals (PCZBA) considered the following items during their October 18, 2011 meeting.

- A. PUBLIC HEARING; CONTINUATION;** Consideration Of A Request For Amendment(s) To The Village Code For The Village Of Long Grove, And Specifically Title 5, Chapter 9, Section 5-9-5 "Signs" Of The Zoning Regulations, Including Without Limitation Modifications To The Regulations Regarding Signage In The Village Of Long Grove, Illinois (*Continued*).
- B. PUBLIC HEARING;** Consideration Of A Request For 1). Text Amendments To The Village Code Regarding The Use Of Accessory Structures, Uses And Available Opportunities For Zoning Relief Regarding The Relative Size And Use Of Certain Accessory Structures; and 2). Requests For Variation And/Or Any Other Zoning Relief Necessary Relating To Relative Size And Use Of Certain Accessory Structures At Property Commonly Known As 4255 Highway 83 And Within The Village Of Long Grove, Illinois. (*Motion Failed – 2 – 2, Recommended Denial*). –

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Item #2: Ordinance Amending Zoning Code Re: Accessory Structures & Related Relief.

The draft ordinance amends the Village Zoning Code clarifying the applicability of the accessory use and structure regulations and authorizes limited variations for certain accessory structures that have received permits in error. - The Zoning Board recommended approval of a text amendment. The Variation had no recommendation as related to Item # 3.

George Gorsline of 4257 RFD asked for an explanation of a text change amendment. An explanation was provided by Village Counsel Filippini.

Trustee Schmitt noted a minor grammatical change in the Ordinance.

Trustee Weber moved to approve an Ordinance Amending the Long Grove Zoning Code regarding Accessory Structures and Uses and Related Relief; seconded by Trustee Marshall

ROLLCALL:

Barry – aye; Marshall – aye; Schmitt – aye; Underwood- aye; Wachs- aye; Weber-aye

Motion carried 6 - 0

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Item #3: Ordinance Granting Accessory Structure Variations.

The draft ordinance would grant accessory structure floor area and accessory structure use variations for 4255 IL Route 83, Nevel. * This Ordinance was revised prior to the Meeting. –

Village Counsel Filippini noted the revisions that were made prior to the meeting. Trustees questioned the terms that permitted renters to occupy the primary structure while Mr. Nevel used the Accessory structure. Village Counsel Filippini noted that relief in the Ordinance did include the provision to rent while the property owner used the garage; but that this provision only existed for the current owner and would not apply if he sold the property. It was also noted that the house and the garage cannot be connected. This permission would be a one-off variation.

President Rodriguez said that this was a difficult situation in which an erroneous permit had been issued, and that the most palpable solution had been sought for all sides.

Residents asked how Mr. Nevel had been able to get a permit without first seeking a variance. Mr. Gorsline asked the Village to deny the settlement.

Residents complained that renters should not be allowed on the primary structure. They added that the accessory structure was visible to neighbors.

Resident from 4253 RFD said that they are trying to sell their property and that this structure would devalue their property value, because it looks like a commercial structure. It was noted that the accessory structure is 5000 square feet, and will house Mr. Nevel's classic cars.

Village Counsel Filippini explained that the legal term estoppel applied- because an erroneous permit had been issued Mr. Nevel proceeded as though it were legal for him to do so.

Neighbors complained about the aesthetics of the neighborhood being ruined. Residents also complained that they were not part of the resolution to the lawsuit despite being directly impacted by the outcome.

Mr. Nevel explained his situation and the history of the property in question. He said that he had followed Village procedures and only proceeded when granted the permit to do so by the former Village Building Superintendent. He said that his structure was approved by all of the inspectors, and that the process had been year-long. He also said that he intends to landscape the property and put the area in compliance.

Trustee Wachs moved to Approve an Ordinance granting Accessory Structure Floor Area and Use Variations for 4255 IL Route 83; seconded by Trustee Marshall

ROLLCALL:

Barry – nay; Marshall –aye; Schmitt –aye; Underwood- aye; Wachs – aye; Weber – aye

Motion carried 5 - 1

Item #4: Ordinance Proposing Amendments To SSA For Herons Landing Lake Michigan Water.

During the August 23, 2011 Board Meeting the Village Board approved "An Ordinance Proposing Amendments To The Special Service Area For Herons Landing Lake Michigan Water" and opened and closed the necessary public hearing without comment. With the closing of the hearing on August 23, 2011 and without receiving any valid protest to the proposed amendment, the Village Board can consider the amendment to the SSA. When the original SSA was noticed, a single bond was contemplated at a rate of up to 6.5%. As the project proceeded, Bond Counsel suggested that in order to achieve the lowest interest rate overall, the improvements on the private properties would have to be financed separate from the majority of the public improvements. – **Trustee Schmitt moved to Approve an Ordinance Amending Ordinance No. 2011-O-21 establishing Village of Long Grove Special Service Area for Providing Lake Michigan water to the Herons Landing Subdivision; seconded by Trustee Weber.**

ROLLCALL:

Barry – aye; Marshall – aye; Schmitt – aye; Underwood- aye; Wachs- aye; Weber-aye

Motion carried 6 - 0

Item #5: Resolution Further Reducing & Eliminating The Letter Of Credit - Menards.

As a condition for approval, the developer posted a (Original) Letter Of Credit (LOC) in the amount of \$12,803,616.93 to assure completion of all required improvements. The developer has again completed a significant amount of improvements and the Village Engineer is recommending the further reduction (fifth) and elimination of the LOC from \$1,163,965.18 to \$00.00 (Zero). – **Trustee Schmitt moved to Approve a Resolution further reducing and eliminating the Letter of Credit for Menards from \$1, 163, 965.18 to \$00.00 (Zero); seconded by Trustee Marshall.**

ROLLCALL:

Barry – aye; Marshall – aye; Schmitt – aye; Underwood- aye; Wachs- aye; Weber-aye

Motion carried 6 - 0

Item #6: Resolution Approving Snow/Ice Removal Contract.

The Request For Proposal (RFP) was mailed on September 9, 2011 to seventeen (17) prospective snow

removal companies; public notice was published as follows: (1) Daily Herald (September 8, 2011); (2) Village Hall; and (3) Village Web site (along with the RFP). – Trustee Wachs noted that there were four bidders, and that based upon previous experience, Roads Commissioner Small and Village Manager Lothspeich recommended ART Fleet. – **Trustee Schmitt moved to Approve a Resolution Awarding a contract to ART Fleet for Snow and Ice Removal from Village Streets, Municipal Parking lots and the Village Hall Parking Lot; seconded by Trustee Weber.**

ROLLCALL:

Barry – aye; Marshall – aye; Schmitt – aye; Underwood- aye; Wachs- aye; Weber-aye

Motion carried 6 - 0

Item #7: Village President Rodriguez.

A. IL 53 Extension. – President Rodriguez said that the political climate is pushing for the extension of Route 53. She discussed various ideas to mitigate the effects of the extension. She said that the hope was that the tollway would make as small of a footprint as possible in the Village. – **No action was taken.**

B. Old McHenry Road Improvements. The Lake County Division Of Transportation (LCDOT) held its' first public meeting on October 19, 2011. –The County representatives said that they received good commentary and suggestions from the residents who attended the public meeting. – **No action was taken.**

C. Residential Electricity Aggregation Referendum – Update. Village Staff continued to work with the Village of Buffalo Grove and several neighboring communities to explore the possibility of aggregating the eclectic usage of all the communities into a single bid to increase the value of the bid to further reduce rates. – President Rodriguez said that there was nothing for decision tonight. Village Manager Lothspeich said that there would be further discussion at the November 8, 2011 Meeting. – **No action was taken.**

Item #8: Village Trustee Barry.

Pathways- Trustee Barry said that volunteers helped put up signs on the pathway system – **No action was taken.**

Underpass at Stonehaven – Trustee Underwood said that the underpass had flooded. It was noted that the pump failed and the underpass needed to be repaired. IDOT would help the Village clean up – **No action was taken.**

Item #9: Village Trustee Marshall.

Nothing to report. No action was taken.

Item #10: Village Trustee Schmitt.

Green Sheet- Trustee Schmitt reported that a Green Sheet would be sent to residents by November 1, 2011.

The Bridge – Trustee Schmitt said that the Holiday issue would be made available online on November 10. She added that long-time residents were being interviewed as to what holidays were like in Long Grove in the 1950's. The Board liked the idea.

Daily Herald article on SWALCO – Trustee Schmitt said that a controversial article regarding SWALCO's efforts to penalize Villages that produce too much trash per resident may have garner calls from residents in Long Grove. She noted that Long Grove currently meets SWALCO recommendations on per capita waste.

Recycling- Trustee Schmitt said that despite the global demand for recycling being down; the Village could still expect to get \$24 per ton for recyclables this quarter.

No action was taken.

Item #11: Village Trustee Underwood.

Mosquito Abatement/West Nile Virus Update. – Trustee Underwood said that one person died in Illinois this summer from West Niles. There would be no other larvaciding this year, as mosquito season ended.

Historical Society – Trustee Underwood said that the Historical Society has new historical images on display at Longgrovehistory.org. She said that they were also considering QR codes, which would allow tourists and residents to scan with their smartphones to get images and information on historic buildings.

Survey – Trustee Underwood discussed the Village survey being compiled regarding quality of life. Methods of delivery for the survey would include email and copies at the Village Hall, and possibly ConnctCTY.

No action was taken.

Item #12: Village Trustee Wachs.

Nothing to Report. No action was taken.

Item #13: Village Trustee Weber.

Long Grove Business & Community Partners Board Meeting – October 18, 2011. Staff represented the Village during the LGBCP Meeting and will provide a brief verbal report during the upcoming Village Board Meeting. – Trustee Weber gave a brief review of the meeting.

Barrington Chamber of Commerce – Trustee Weber said that the Village of Long Grove is now part of the Barrington Chamber of Commerce and will be listed in their magazine. The cost for joining was \$140. It Offers the Village a new avenue to network and advertise. President Rodriguez noted that the Village is also part of the Lake Zurich Chamber of Commerce.

No action was taken.

Item #14: Village Clerk Schultheis.

Nothing to Report. No action was taken.

Item #15: Village Manager Lothspeich.

Nothing to Report. No action was taken.

Item #16: Village Planner Hogue.

Not Present.

Item #17: Village Attorney Filippini/Gates.

Nothing to Report. No action was taken.

Item #18: Approval of Board Meeting Minutes.

October 11, 2011 Board Meeting Minutes. – Trustee Underwood moved to Approve the October 11, 2011 Board Minutes as amended; seconded by Trustee Marshall.

VOICE VOTE:

All ayes, no nays. (Motion carried 6 – 0)

Item: Executive Session.

At 9:17 PM, Trustee Marshall moved to go into Executive Session to discuss (1) Executive Session Minutes;(2) Litigation; (3) Acquisition and Disposition of Property; seconded by Trustee Barry.

ROLL CALL VOTE:

Barry – aye; Marshall – aye; Schmitt – aye; Underwood- aye; Wachs- aye; Weber-aye

Motion carried 6 - 0

Item: Other Business – Approval Of Executive Session Meeting Minutes.

October 11, 2011 Executive Session Meeting Minutes. – Trustee Weber moved to Approve the October 11, 2011 Executive Session Minutes, but not for public release; seconded by Trustee Marshall.

VOICE VOTE:

All ayes, no nays. (Motion carried 6 – 0)

Item: Adjournment.

At 9:52 PM; Trustee Barry moved to Adjourn; seconded by Trustee Marshall.

VOICE VOTE:

All ayes, no nays. (Motion carried 6 – 0)