

Village of Long Grove
3110 RFD, ILLINOIS 60047-9613
MINUTES OF THE VILLAGE BOARD OF LONG GROVE
Tuesday, November 25, 2008 at 8 P.M.
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CALL TO ORDER:

President Rodriguez called the meeting to order at 8:00 P.M.

OFFICIALS IN ATTENDANCE:

Village President: Rodriguez
Trustees: Acuna, Barry, Hannon, Lazakis, Wachs
Trustees Absent: Schmitt
Village Clerk: Schultheis
Also Present: Village Manager Lothspeich, Village Planner Hogue, Village Counsel Furr, and Village Engineers Chiczewski.

Cuba Road Vehicular Fatalities: Deputy Chief Kevin Parker told the audience of the November 24, 2008 accident on Cuba Road involving a single vehicle with an underage driver. The car was traveling eastbound on Cuba Road at 8:24 P.M. when it went airborne and crashed near Driftwood Road. Police attribute the accident to driver inexperience and excessive speed. – **President Rodriguez asked for a moment of silence in deference to the crash victims and their families.**

HOMEOWNERS ASSOCIATIONS/ITEMS FROM THE AUDIENCE:

Homeowner Associations:

Old McHenry Road – Charlie Wachs. – HOA President Wachs said that there was no response from his subdivision regarding issues; and that he believed that the subdivision had no immediate concerns. – **No action was taken.**

Promontory Pointe – Randy Markowitz. – A resident in the audience from the subdivision said that things in the subdivision were going well. – **No action was taken.**

Park District: Park District President Lee Bassett was asked to give an update regarding the Watershed Meeting that he had attended. It was noted that 70% of Long Grove resides within the Indian Creek Watershed – the total number of received for floodplain and streamside enhancements for this area from 2002-2007 was \$380,361 (\$144,951 from the Long Grove Park District and \$235,000 from Grant Funds). For the Buffalo Creek Watershed a total for the same period was \$18,340 (\$9,340 from the Long Grove Park District and \$9,000 from grant money). – **No action was taken.**

ACTION ITEMS:

Report of the November 17, 2008 Architectural Commission Meeting.

Village Manager Lothspeich gave a brief overview of the Architectural Commission's meeting.

- A. Signage For "Mariola's Organic Spa And Retreat", 3976 IL Route 22 (Building 6; Suite F), Long Grove Commons, Maria Makowka. (*Approved*)
- B. Elevations For A Commercial Structure At 7107 Route 83, Daniel Lesus Architects Inc. (*Continued*)
- C. AC Meeting Schedule For Year 2009.

No action was taken. No action items were presented.

Item #2: Ordinance Approving Regional Water Well Construction and Acquisition Agreement.

Please note that in response to not being able to come to agreement with Promenade and their clear preference NOT to include the water system on their property, the Village has been working closely with the property owners of the Executive House. Furthermore, as recommended by the PCZBA the Ordinance granting approval of the Final Plat and Plans for Sunset Grove is not effective until the Water Agreement for the deep well water system is by the Village Board. – Village Manager Lothspeich told the Board that the owner of the Promenade did not want the water system on the property; but that the Executive House owners had agreed to the system on their location. The Draft Agreement is a swap from the Promenade to the Executive House. Trustees noted that they had agreed to the concept, so that substituting one property owner for another should not hamper the process as long as there were no other issues. Village Engineer Chiczewski said that the process was performance-driven, not detail

driven so that he still needed further information from the Mid-America engineers. Trustee Acuna asked if the neighbors would be facing any type of significant noises and traffic. Village Engineer Chiczewski said that there would only be noise when the generator would be tested, or the occasional truck delivery of chemicals; but that the sounds were for passive use (that is, for testing or delivery, not a constant noise or a noise created by the generator). It was stated that the area is heavily forested, and that noise should not be an issue. –

Trustee Acuna moved to approve an Ordinance Approving Regional Water Well Construction and Acquisition Agreement (IL Rte. 83 Water Special Service Area; seconded by Trustee Lazakis.

ROLL CALL VOTE:

**Acuna – aye; Barry – aye; Hannon – aye; Lazakis – aye; Schmitt – absent; Wachs – aye
(Motion carried 5 – 0; one absent)**

Item #3: Ordinance Adopting Tax Levy For SSA #2 – Long Grove Commons.

As provided for in the establishing ordinance, the special tax roll amounts includes a 3% increase from last year's levy, there were no new building permits in 2008 (increase from \$13,473.43 to \$13,877.63). Long Grove Commons has constructed 4 of the 6 buildings approved for the development with 2 vacant out lots remaining. – **Trustee Lazakis moved to Approve an Ordinance Approving a Tax Levy for the Village of Long Grove Special Service Area #2 for Long Grove Commons; seconded by Trustee Wachs.**

ROLL CALL VOTE:

**Acuna – aye; Barry – aye; Hannon – aye; Lazakis – aye; Schmitt – absent; Wachs – aye
(Motion carried 5 – 0; one absent)**

Item #4: Ordinance Adopting Tax Levy For SSA #3 – Historic Downtown Business District.

This in regard tax levy ordinance for the Historic Business District SSA, including the updated special tax roll. The special tax roll amounts are for slightly less amounts as from last year's tax (reduction from \$169,000 to \$164,996.82). – Village Manager Lothspeich explained that funds collected by the County as a tax are given back to the Village and the Village, in turn, cuts a check for the amount collected to the LGBCP.

ROLL CALL VOTE:

**Acuna – aye; Barry – aye; Hannon – aye; Lazakis – aye; Schmitt – absent; Wachs – aye
(Motion carried 5 – 0; one absent)**

Item #5: Ordinance Approving Agreement With Lake County Animal Control.

The draft Ordinance approves the Village's agreement with Lake County Health Department in substantially the form to the ordinance and adopts the animal control regulations of the Lake County Health Department Ordinance. Village Counsel Paula Kirlin offers the following comments regarding the Lake County Health Department form agreement: - President Rodriguez told the Board that the Village had been discussing the question of Animal Control for many years. Village Manager Lothspeich said that by adopting the Lake County ordinance, the Village would still be able to receive enforcement from the Health Department. He said that the Village has no mechanism of its own to enforce the payment of pet owners for fees and fines. He stated further that the Health Department will no longer assist the Village in enforcing the Animal Control regulations if the Village did not adopt the Ordinance. It was also noted by Trustees that the Village could terminate the Ordinance at any time. Trustee Wachs said that the wording was nebulous as regards to unleashed pets on their own property. – **Trustee Acuna moved to Approve an Ordinance Adopting Animal Control Regulations and Approving an Intergovernmental Agreement with the County of Lake Re: Animal Control; seconded by Trustee Hannon.**

ROLL CALL VOTE:

**Acuna – aye; Barry – aye; Hannon – aye; Lazakis – aye; Schmitt – absent; Wachs – nay
(Motion carried 4 -1; one absent)**

Item #6: Resolution Reducing The Letter Of Credit For Ravenna East (Lennar Homes).

In 2004, the Village Board approved Ordinance #2004-O-23 “An Ordinance Amending And Restating The Previous Grant Of A Special Use Permit And Approval Of A Preliminary Planned Unit Development Plat And Approving A Final Planned Unit Development Plat For Concord Homes’ Ravenna Development”. As a condition for approval, the developer posted a Letters Of Credit (LOC’s) in the amount of \$5,408,070.21 to assure completion of all required improvements. The developer has since completed a substantial portion of the required improvements and requested a reduction in the amount of the LOC. – Rick Piggot, representative of Lennar Homes said that Ravenna East has 109 lots and that less than 40% of that had been

built. Trustees wanted to look at possible ways of creating a fund for road maintenance on development projects. Village Manager Lothspeich said that the Infrastructure Committee would look into that further. **Trustee Barry moved to Approve a Resolution Reducing the Letters of Credit for Ravenna East from \$165,069 to zero Letters of Credit for Concord at Ravenna, LLC (Lennar Homes) (Res. #2007-R-28); seconded by Trustee Hannon.**

ROLL CALL VOTE:

Acuna – aye; Barry – aye; Hannon – aye; Lazakis – aye; Schmitt – absent; Wachs – aye (Motion carried 5 – 0; one absent)

Further Consideration Re: Roadway Pavement

Lennar Homes is responsible for the final pavement lift in Ravenna East and Dior Builders is responsible for Ravenna West. There is a two inch concrete lip at the curbs with the curb basins that ponds stormwater until the final pavement lift is completed. Due to the housing market slump, the Village Board may wish to re-evaluate the installation of the final pavement lift for Ravenna East and Ravenna West even though 75% of final certificate of occupancies are not issued (82 homes in Ravenna East and 22 homes in Ravenna West) that would warrant the final pavement to be installed. The current homeowners may be interested in having the final pavement completed, since it may be a long time (two - three years) for the housing market rebound. If the Village Board has interest in having the final lift installed in advance of 75% of the final certificate of occupancies being issued, an amendment to the PUD Subdivision ordinance would be necessary – The Infrastructure Committee will look into this further and decide if there is a need to put a cap on years. – **No further action was taken.**

Item #7: Resolution Approving Commonwealth Edison Utility Easement On Old Hicks Road.

Menard's has requested a 10' wide easement along the western limits of the Old Hicks Road Right Of Way for an extension of the existing overhead electric south on Old Hicks (bored – underground) to the Menard's Lot #8. The new line will run along the north property line of the Menard's lot #8 to the Menard's Development to the west. At Staff's request, Menard's agreed to include a pedestal (or other necessary connection) near the mid-way point on their Lot #8 for future service to the Village soccer field property to north. – **Trustee Barry moved to approve a Utility Easement Between the Village of Long Grove and Commonwealth Edison for a Permanent Utility Easement Limited to Underground Electric Power Lines Along the West Side of Old Hicks Road; seconded by Trustee Wachs.**

ROLL CALL VOTE:

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

Item #8: Village Board of Trustees Meeting Dates Calendar For Year 2009.

Statute requires approval of an annual calendar of meetings. All Village Commissions/Committees/Board will have approved similar calendars. Please review the proposed schedule that is based upon meetings being held on the 2nd and 4th Tuesday of each month for possible conflicts and relay such prior to the meeting if possible. – **Trustee Wachs moved to approve the Village of Long Grove Board Meeting Dates and Times for the Year 2009; seconded by Trustee Barry.**

VOICE VOTE:

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

Item #9: Village President Rodriguez.

Nothing to report. No action was taken.

Item #10: Village Trustee Acuna.

A. Village-wide Lake Michigan Water Allocation & Distribution System. – Trustee Acuna said that the allocation application process was moving forward, but said that he was hesitant to see the Village commit any further monies to the process without a referendum.– **No action was taken.**

B. Sanitary Sewer Connection Policy - Village Manager Lothspeich said his experience with residents that connect to a sewer system is that it is labor- and time-intensive. He said that sometimes it takes years; and he believed that the Village need to look into a standardized procedure to expedite future connections. Trustee Barry noted that there was still differences as to who wanted septic and who wanted sewer; but that the newer sewer systems were actually more ecological than the septic systems. There was also a question as to whether or not the sewer system would be able to accommodate the entire Village. Village Manager Lothspeich said that Lake County does not have preserving capacity for the sewer System on Cuba Road – so that capacity is used until it reaches maximum. Trustees concur that wording

in the policy should be less restrictive – changing the wording to read from “non-viable” to “less desirable.” This would give the Board more discretion – **No action was taken.**

C.2009/10 Road Maintenance/Paving Program. The Draft materials will be considered further by the Infrastructure Committee for recommendation to the Village Board in January. The materials are being provided to the Village Board for direction as to the anticipated budget for the coming year (maintain the 10 yr. program?), how to proceed re: Marden and whether the Village should proceed with the repaving of the roads identified on the 10 year paving program so shortly after the Residents have been significantly inconvenienced by the Menard’s sanitary sewer construction. – **No action was taken.**

Item #11: Village Trustee Barry.

Pathway Meeting – Trustee Barry said that the path from Stonehaven to the underpass was complete to Longview Meadow to the lift station on Route 22. He also said that the Committee was hoping to get a grant for Old McHenry. Village Engineer Chiczewski said that they hoped to hear about the federal funding by January, 2009 – **No action was taken.**

Royal Melbourne – Trustee Barry said that Royal Melbourne was in need of a Conservancy burn. He was trying to set up a date for the burn. – **No action was taken.**

Item #12: Village Trustee Hannon.

Village Employee Insurance. For discussion under Executive Session – Personnel Matters. – **No action was taken.**

Item #13: Village Trustee Lazakis.

Overhead Utilities: Burial IL Route 83; Relocate Aptakisic Road – Trustee Lazakis said the quote was less than expected, but that the Village had still not received a breakdown of the costs. Mid-America will bear more than half of the costs. It was hoped that the Utilities cost would be able to be put before the Board by the next agenda. – **No action was taken.**

Item #14: Trustee Schmitt.

Absent.

Item #15: Village Trustee Wachs.

Long Grove Business & Community Partners Board Meeting – November 19, 2008. – Trustee Wachs said that the LGBCP had passed its 2009 Budget. He said that it had been decided that after Thanksgiving, businesses within the district would do a “shop your own” where the businesses would shop within the neighborhood. – **No action was taken.**

Archer Lot – Trustee Wachs wanted to know if the Village was going to be able to get a binder down in the lot. Village Engineer Chiczewski said that they had been hoping to get the binder next week, but that the rains had been a problem. Trustee Wachs also thought that signage by the construction should be improved. – **No action was taken.**

Item #16: Village Clerk Schultheis.

SB 2083 – Emergency Budget Act of Fiscal Year 2009 – Village Clerk Schultheis asked for direction from the Board as to whether or not they wanted to send a letter to Springfield in opposition to this measure which, if passed, would give the Governor the discretionary right to reduce by up to 8% the money owed to municipal and county governments. The consensus of the Board was to write a letter opposing the bill – **No action was taken.**

Item #17: Village Manager Lothspeich.

Menard’s Sanitary Sewer – Village Manager Lothspeich said that a great deal of progress was made in the last two weeks. He also said that Pease would not be allowed to start work on Schaeffer Road until after they were done on Checker Road. It was expected that they would be working on the north end of Schaeffer Road by the third week of December. Village Manager Lothspeich said that the opening date for Menard’s was January 24, 2009. He also said that the Village would re-seed the area where the lift station is being built. – **No action was taken.**

Item #18: Village Superintendent Block.

Absent

Item #19: Village Planner Hogue.

Absent

Item #20: Village Attorney Furr.

Nothing to report. No action was taken.

Item #21: Approval of Board Meeting Minutes.

November 11, 2008 Minutes. - Trustee Wachs moved to Approve the November 11, 2008 Village Board Minutes, as amended; seconded by Trustee Lazakis.

VOICE VOTE:

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

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Item: Executive Session.

At 10:10 P.M., Trustee Acuna moved to go into Executive Session to discuss (1) Executive Session Minutes; (2) Personnel Matters; (3) Litigation; and (4) Acquisition and Disposition of Property; seconded by Trustee Barry.

ROLL CALL VOTE:

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

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Item: Other Business.

October 14, 2008 Executive Session Meeting Minutes.

October 28, 2008 Executive Session Meeting Minutes.

November 11, 2008 Executive Session Meeting Minutes. – Trustee Lazakis moved to Approve the October 14, 2008 Executive Session Minutes, the October 28, 2008 Executive Session Minutes, and the November 11, 2008 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 Schmitt absent)

Item: Adjournment.

At 11:10 P.M.; Trustee Acuna moved to Adjourn the Village Board Meeting; seconded by Trustee Barry.

VOICE VOTE:

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