

Village of Long Grove
3110 RFD, ILLINOIS 60047-9613
MINUTES OF THE VILLAGE BOARD OF LONG GROVE
Tuesday, December 14, 2010 at 7 P.M.
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CALL TO ORDER:

At 7:02 P.M. President Rodriguez called the December 14, 2010 Village Board Meeting to Order.

OFFICIALS IN ATTENDANCE:

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

Homeowner Associations:

Deerwood Estates – Greg Wadowski. – **No one was present. No action was taken.**

Woodbine – Craig Smith. – **No one was present. No action was taken.**

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There were no items from the audience.

President Rodriguez noted that the Herons Landing Public Hearing had been continued until January 11, 2011. – No action was taken.

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Item #1: December 7, 2010 Plan Commission & Zoning Board Of Appeals Meeting.

The Plan Commission & Zoning Board Of Appeals considered the following items during their meeting.

- A. Public Hearing Re: Request To Allow An Exception To The Temporary Moratorium On Alternative Energy Devices (Ord. 2010-O-30) As Provided For In Section 2 (C) Of The Moratorium Ordinance, To Allow A Solar PV Energy System To Be Placed Upon The Roof Of The Principal Structure At 4979 Wild Rose Lane, Earth, Wind & Solar Energy L.L.C. *Recommended Approval.* – **Trustee Schmitt moved to Approve recommendation by the Plan Commission & Zoning Board of Appeals to allow the installation of a solar PV Energy System on the Roof of the existing residence located at 4979 Wild Rose Lane; seconded by Trustee Marshall.**

VOICE VOTE:

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

Public Hearing; Request For The Reclassification Of Property From The R-2 District To The B-1 Historic Business District And Consideration Of The Preliminary Plat Of Subdivision, To Allow Commercial Redevelopment Of A Portion Of The Property Under The B-1 Historic Business District Regulations And/Or Additional Relief Necessary And/Or Appropriate Under The Zoning Code, For Property Located At 110 Archer Road, And Commonly Known As The Archer Road Parking Lot To Redevelop As The “Archer Road Subdivision” Under The B-1 Historic Business District Classification Within The Village Of Long Grove, Illinois, The Village Of Long Grove. *Recommended Approval.* – **Trustee Wachs moved to Approve a Motion directing Counsel to Prepare the necessary approval ordinance(s) Approving the reclassification and preliminary plat of subdivision for Archer Road Subdivision; seconded by Trustee Barry.**

ROLL CALL VOTE:

Acuna – aye; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye
Motion carried 6 – 0.

Item #2: Resolution Further Reducing Letter Of Credit For Sunset Grove.

This will be the seventh reduction in the amount of the Letter Of Credit (LOC) for Sunset Grove. – **Trustee Weber moved to Approve a Resolution Further Reducing (7th) The Letter of Credit for Sunset Grove from \$1,713,937.50 to \$1,353,138.50; seconded by Trustee Wachs.**

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item #3: Resolution Further Prioritizing Release Of TIF Bond Proceeds For IL 83 & Aptakisic Roads.

Sunset Grove submitted their original request to the Village to address concerns raised by their road contractor (Orange Crush) that the TIF proceeds would not be used for other expenses and thereby shorting them on payment. During the September 14, 2010 Meeting, the Village Board approved *A Resolution Further Prioritizing Tax Increment Financing (TIF) Funding For Roadway Improvements For IL 83 Re: Sunset Grove Development* which specifically limited the funding for IL Route 83 as requested by Sunset Grove. However, Sunset Grove's initial request for release included expenses related to both IL Route 83 and Aptakisic Road. Sunset Grove clarified that they were using the same contractor (Orange Crush) for both IL 83 and Aptakisic and now wanted the release to be for both projects. Due to timing considerations for Sunset Grove, Staff agreed to process the release for both projects conditioned upon written request from both Sunset Grove and Orange Crush for ratification by the Village Board during December 14, 2010 meeting. – **Trustee Barry moved to Approve a Resolution Regarding the Release of TIF Bond Proceeds Pursuant to the Redevelopment Agreement with Sunset Grove conditioned upon written request as processed by Staff; seconded by Trustee Marshall.**

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item #4: Ordinance Amending Village Code Re: Liquor License.

The draft Ordinance amends the Village Code to expand create a new Class D “Retail Pharmacy” Liquor Licenses to issue a license to *CVS Pharmacy, Sunset Grove*. – **Trustee Barry moved to Approve an Ordinance Amending the Village Code Regarding Liquor License to grant a Class “D” license; seconded by Trustee Acuna.**

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item #5: Village Financial Statements – Baker Tilley, Virchow, Krause LLP.

: (1) Financial Statements, and (2) Report On Internal Controls For FY 2009/10. *Baker Tilley, Virchow, Krause LLP* Representative John Rader will be in attendance to provide a brief summary of each and answer questions. Staff continues to work with Village Accountant Greg Seidler to address the items raised in the Report on Internal Controls and the Agreed Upon Procedures. - John Rader of *Baker Tilley, Virchow, Krause LLP* discussed the state of the Village's financial health and update on the audit. He said that the Village had received a “clean opinion.” - **Trustee Acuna Moved to Accept the Fiscal Year 2009-2010 Financial Statements and Report on Internal Controls as Prepared by Baker Tilley, Virchow, Krause LLP subject to Finalization; seconded by Trustee Wachs.**

VOICE VOTE:

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

Item #6: Ordinance Adopting Tax Levy For SSA #2 – Long Grove Commons.

The tax levy ordinance for the Long Grove Commons SSA, including the updated special tax roll. As provided in the establishing ordinance, the special tax roll amounts include a 3% increase from last year's levy, there were no new building permits in 2010 (increase from \$14,293.96 to \$14,722.78). Long Grove Commons has constructed 4 of the 6 buildings approved for the development with 2 vacant out lots remaining. – **Trustee Schmitt moved to Approve an Ordinance Approving a Tax Levy for the Village of Long Grove Special Services Area #2 for Long Grove Commons; seconded by Trustee Weber.**

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item #7: Ordinance Adopting Tax Levy For SSA #3 – Historic Downtown Business District.

tax levy ordinance for the Historic Business District SSA, including the updated special tax roll. The special tax roll amounts are slightly less than last year (reduction from \$165,730.07 to \$165,056.00). –

Trustee Acuna moved to Approve an Ordinance Approving a Tax Levy for the Village of Long Grove Special Service Area #3 for the Historic Business District; seconded by Trustee Marshall.

ROLL CALL VOTE:

**Acuna – aye; Barry – aye; Marshall – aye; Schmitt – aye; Wachs – aye; Weber – aye
Motion carried 6 – 0.**

Item #8: Ordinance Amending The SSA For IL 83 Deep Well Water System.

On May 13, 2008 the Village Board approved *An Ordinance Establishing A Special Service Area (SSA) For A Water System To Serve The Historic Business District and The BIA Comprehensive Plan Sub-Area*. The Promenade (First Merit Bank) and Executive House pre-paid their fair share of the cost of the water system up-front. The remaining properties of the SSA Sunset Grove and South 15 (Bluebird) are to pay their proportionate costs through their annual property taxes. While Sunset Grove has paid their 2009 taxes, roughly one-third of the South 15 property taxes have been paid. Several of the property owners of the South 15 have filed litigation against their partners to pay their share of the SSA taxes owed in an effort to preclude the property from being sold for back taxes. ***The Village Board has the option of deferring consideration of this agenda item (& the following IL 83 Tax Levy item) until after discussion in Executive Session (litigation, disposition of property).*** – The Village Board opted to reserve the right to vote on this item after Executive Session

Item #9: Ordinance Adopting Tax Levy For SSA #4 – IL 83 Water System.

The following tax levies were levied against the IL 83 property last year (2009). As the first year of this levy, the special tax roll amounts applied to each individual tax parcel were set at the maximum allowed under the SSA establishing ordinance with the expectation that the levy would be abated for the properties that chose the option to prep-pay their share of the costs for water system. The 2009 tax levy for all the IL 83 SSA are as follows:

PIN OF PARCEL	AMOUNT OF TAX LEVY
15-30-200-002	\$19,569.40
15-30-200-030	35,533.93
15-30-200-031	53,249.33
15-30-200-032	55,000.34
15-30-200-036	60,945.00
15-30-200-022	45,738.51
15-30-200-024	51,957.68
15-30-200-027	53,059.81
15-30-205-019	134,946.00
TOTAL TAX LEVY	\$510,000.00

Although The Promenade and The Executive House opted to pre-pay, their decisions were after the deadline to abate the taxes, all the properties taxes were levied and the pre-pay amounts for Promenade and Executive House were reduced by the amount of their taxes paid for the first year. All the affected property owners have paid their SSA taxes except for portions of the South 15 (formerly Bluebird) parcels. The South 15 (acres) consists of three separate parcels (024, 027 and 019) with multiple owners. While several of the owners have or intend to pay their property taxes, they have not fully paid the taxes due to concerns that the properties may go to tax sale resulting in their loss of the property and the taxes paid. The “middle” 5 acres parcel (024) has paid roughly half their property taxes while the “south” 5 acres parcel (027) has paid a lesser amount as follows:

	<u>Amt Due</u>	<u>Amt Paid</u>
Middle 5 -	\$31,084.23	\$25,911.36
South 5 -	\$49,827.59	\$11,200.00
	\$80,911.82	\$37,111.36

The original intent for the SSA was for bonds to be issued to pay the portion of the \$3.25 million maximum allowed amount under the SSA with payments amortized over a 20 year period. The issuance

of the bonds has been delayed due to the failure of the South 15 to pay their property taxes and the prior agenda item re: amendment(s) to the IL 83 SSA will hopefully resolve this issue. Since the SSA establishing ordinance only limits the maximum amount to be levied during any year, the Village has the ability to set the levy ranging from the least amount (based upon the 20 year amortization period) to the maximum allowed amount (\$510,000, the amount levied last year). **The Village Board has the option of deferring consideration of this agenda item until after discussion in Executive Session (litigation, disposition of property - The Village Board opted to reserve the right to vote on this item after Executive Session.**

Item #10: Village President Rodriguez.

A. IL Route 53 Extension – Update. Please refer to the enclosed Resolution 2006-R-29 “A Resolution Opposing The Proposed Extension Of Route Il 53 (FAP 342) & Amending The Village Budget For The Opposition Thereof” for reference and consideration for the Village Board’s position. – Village President Rodriguez said that a meeting is in the planning stage for January, 2011. She said that Long Grove needs to be seen as a strong voice. – **No action was taken.**

B. IL Route 22 Widening (West Of IL 83) – Update. As reported during the November 23, 2010 Board Meeting, under a new law the Illinois Department Of Transportation (IDOT) is required to attempt to include separate pathways as part of all future proposed road widening plans. The plans highlight the additional right-of-way required and impacts on adjoining properties. If the Village Board is interested in including pathways, then it is suggested that this item be referred to the Pathways Committee for review with the affected property owners to determine their level of support. - The Pathway Committee will be meeting about this. IDOT is required to look at the path. It does affect some property owners and IDOT may have to get consent from the property owners. – **No action was taken.**

C. Sunset Foods – Trustee Schmitt noted that Sunset Foods will have a Community Room. She suggested the possibility of a meeting there. – **No action was taken.**

Item #11: Village Trustee Acuna.

A. Treasurer Report For November 30, 2010. – **Trustee Acuna moved to Approve the Treasurer’s Report for November 30, 2010; seconded by Trustee Marshall.**

ROLL CALL VOTE:

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

Motion carried 6 – 0.

B. Actual and Budget Comparisons For Period Ending November 30, 2010. For informational purposes only, no motion required.

C. 2010/11 Village Budget – 6 Month Year To Date Update. An update will be provided during the upcoming Board meeting.

D. Fiscal Year 2011/12 Proposed Budget Hearing Schedule. In order to incorporate the YTD expenditures through January, the proposed budget hearing schedule has been tentatively proposed as follows: (1) **December 14, 2010 Board Meeting.** Call for committee Budgets (submit no later than January 11, 2011). **January 25, 2011 Board Meeting.** Initial review Draft Budget for Public Hearing/Comment during first board meeting in February - Budget Posted at the Village Hall and on the Village Web Site, (2) **February 8, 2011 Board Meeting –** Public Hearing of Budget and (3) **February 22, 2011 Board Meeting –** Approval of Budget. – Trustee Acuna said that the Budget is being updated and that he hopes to have a draft by the January 11, 2011 Meeting. Trustee Schmitt noted some accounting errors in the budget. – **No action was taken.**

Item #12: Village Trustee Barry.

Pathways Committee – Trustee Barry said that the December meeting had been cancelled – **No action was taken.**

Item #13: Village Trustee Marshall.

Long Grove Business & Community Partners (LGBCP) Board Meeting – December 10, 2010. – Trustee Marshall said that during the Turkey Trot there were 1500-1800 people in the downtown area. He said that it would have been a good idea for the shops to have stayed open. The people that participated in the event and spectators were surprised to see that nothing was open – **No action was taken.**

Item #14: Trustee Schmitt.

Electronics Recycling – Trustee Schmitt said that the Village will receive a rebate of two-cents per pound for all electronics recycled. The recycling event is tentatively scheduled for April, 2011. Trustee Acuna said that the Village should lobby SWALCO to help the community recycle more by giving away the large recyclable bins – **No action was taken.**

Item #15: Village Trustee Wachs.

Water Plant – Trustee Wachs said that the water plant was moving forward, and would be completed by the end of December. He said that Swanson had visited the plant and that testing would be ready by January 15, 2011. He also said that the water plant was, thus far, under budget. – **No action was taken.**

Item #16: Village Trustee Weber.

The Bridge- Trustee Weber said that a big issue would be mailed out by the end of the year. She said that the tag line would be a request for residents to sign up for The Bridge. Village Counsel Filippini said that there had been a change in the FOIA law, and now email addresses are exempt from disclosed FOIA information. This means that the Village will be able to maintain the privacy of residents who submit their email addresses. – **No action was taken.**

Item #17: Village Clerk Schultheis.

April, 2011 Election – Village Clerk Schultheis updated the Board on petitions for candidacy. – **No action was taken.**

Item #18: Village Manager Lothspeich.

Email Correspondence – Village Manager Lothspeich asked the Board how they wished to handle the request from Sunset Foods regarding circulation to pick up groceries. The Board felt that the residents to the East of Sunset Grove needed to be protected. The Board said that there should be no change to this policy. – **No change was made.**

Item #19: Village Planner Hogue.

Not Present.

Item #20: Village Attorney Filippini.

Nothing to Report.

Item #21: Approval of Board Meeting Minutes.

November 23, 2010 Board Meeting Minutes. – Trustee Marshall moved to Approve the November 23, 2010 Minutes; seconded by Trustee Barry.

VOICE VOTE:

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

Item: Executive Session.

At 8:24 P.M.; Trustee Acuna moved to go into Executive Session to discuss (1) Executive Session Minutes; (2) Investments; (3) Litigation; (4) Personnel Matters; and (4) Acquisition and Disposition of Property; seconded by Trustee Barry.

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item: Other Business.

November 23, 2010 Board Meeting Minutes. – Trustee Acuna moved to Approve the November 23, 2010 Executive Session Minutes but not for public release; seconded by Trustee Marshall.

VOICE VOTE:

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

Ordinance Adopting Amendments to IL 83 Deep Well Water System – Trustee Acuna moved to Approve an Ordinance Amending the Village of Long Grove Special Service Area for the IL Route 83 Deep Well System; seconded by Trustee Marshall.

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Ordinance Adopting Tax Levy for SSA#4- IL 83 Water System – Trustee Wachs moved to Approve an Ordinance Approving a 15-year Tax Levy for the Village of Long Grove Special Service Area #4 for the IL 83 Water System; seconded by Trustee Weber.

ROLL CALL VOTE:

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

Motion carried 6 – 0.

Item: Adjournment.

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

VOICE VOTE:

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