

**VILLAGE OF LONG GROVE**  
**MINUTES OF THE VILLAGE BOARD OF LONG GROVE**  
**Tuesday, March 10, 2009 at 8 P.M.**  
**3110 RFD, LONG GROVE, ILLINOIS 60047-9613**

**CALL TO ORDER:**

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

**OFFICIALS IN ATTENDANCE:**

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

**President Rodriguez' Items of Interest for the Audience:** President Rodriguez reminded the Audience that Early Voting was between March 16 – April 2, 2009.

She also told the Audience that there would be a Blues Festival in Long Grove on March 28, 2009. – **No action was taken.**

**HOMEOWNERS ASSOCIATIONS/ITEMS FROM THE AUDIENCE:**

**Homeowner Associations:**

**Fields Of Long Grove:** Karen Grandt. – **No one was present. No action was taken.**

**Cobblestone:** Darren Knapp. – Harry Georgas introduced himself as the new Homeowners Association President for Cobblestone. He expressed his subdivision's opposition to the referendum regarding Lake Michigan water. – **No action was taken.**

**ITEMS FROM THE AUDIENCE:**

**Lake Michigan Water Referendum:** Resident Vernadine Martlock that the Village would need to make certain that it pointed out the \$6900 per year was an average, and not per resident; because some residents would be paying more and others would be paying less. President Rodriguez said that the wording of documentation sent out or on the website should read as "an average" and not "per resident." – **No action was taken.**

**ACTION ITEMS:**

**Item #1: Public Hearing On Proposed Renewal Of Cable Television Franchise With Comcast.**

Village Counsel prepared a draft Franchise Agreement with annotations identifying questions regarding: (1) service areas and density and (2) service to Village Hall. Village Counsel Barbara Adams and Staff have a conference call scheduled with Comcast Representative Dan Maloney during the afternoon of March 5, 2009 in an effort to resolve these issues prior to the Public Hearing.

**At 8:08 P.M., President Rodriguez opened the Public Hearing.**

There was no public comment.

**At 8:09 P.M., President Rodriguez closed the Public Hearing.**

President Rodriguez asked that the Board then proceed to Items #4. and #5 – **No action was taken at this time.**

**Item #4: Ordinance Modifying Village's Right-Of-Way Construction Standards.**

This item and item #5 relate to the proposed cable television franchise agreement and should be adopted prior to the formal adoption of the franchise. The draft ordinance further amends the right-of-way construction standards that the Village adopted in late 2007. – **Trustee Acuna moved to Approve an Ordinance Modifying the Village of Long Grove Right-of-Way Construction Standards; seconded by Trustee Schmitt**

**ROLL CALL VOTE:**

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

**Item #5: Ordinance Modifying Village Code Relating To Payment & Audit Of Franchise Payments.**

The draft ordinance amends the local tax provisions to treat franchise fees as a local tax for certain purposes – **Trustee Acuna moved to Approve an Ordinance Modifying the Village of Long Grove Code As It Relates to Payment & Audit of Franchise Payments; seconded by Trustee Hannon.**

**ROLL CALL VOTE:**

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

**Those Items approved, The Board revisited Item #1 and put it to a vote.**

**Trustee Hannon moved to direct Counsel to prepare the Necessary Ordinance Approving the Renewal of the Cable Television Franchise Agreement with Comcast; seconded by Trustee Lazakis.**

**ROLL CALL VOTE:**

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

**Item #2: Ordinance Approving Comp Amendments To Zoning Code Re: Floor Area & Height.**

Continued from the February 24, 2009 Board Meeting. The draft ordinance is based upon the version recommended for approval by the Plan Commission with possible changes discussed by the Village Board during the August 12, 2008, August 26, 2008 and September 9, 2008 board meetings. Specifically, changes during the prior board meeting include: impact of straight subdivisions vs. PUD's; nature of open space; definition of areas included/excluded under the bulk regulations; applicability to existing subdivisions vs. new subdivisions, etc.

Plan Commission Chairman Fred Phillips was in attendance. Trustees discussed changes to be made to the Ordinance. – **Trustee Hannon moved to Approve the Ordinance Approving the Comprehensive Amendments to the Village of Long Grove Zoning Code Re: Maximum Floor and Area Height as Amended with the change in date and the updated drawings; seconded by Trustee Schmitt.**

**ROLL CALL VOTE:**

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

**Item #3: Ordinance Prohibiting Use Of Fertilizers Containing Phosphorous.**

As directed during the February 24, 2009 Board Meeting, Village Counsel prepared a draft ordinance based upon the draft created by Trustee Schmitt, Trustee Barry and CSCC Member Wiberg. Trustee Schmitt informed Geimer's and Menards of the proposed ordinance and Geimer's already carries organic fertilizer while Menards does not have any non-phosphorous fertilizer in stock or on order at this location. - Village Counsel Filippini said that it was up to the residents not to use the phosphorous-based products; not the retailers. – **Trustee Acuna moved to Approve an Ordinance Prohibiting the Use and Application of Phosphorous Lawn Fertilizers in the Village of Long Grove; seconded by Trustee Schmitt.**

**ROLL CALL VOTE:**

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

**Item #6: Ordinance Rescinding Deep Well Agreement & Authorizing Village Construction.**

Village President Rodriguez, Village Superintendent Block, Village Counsel Filippini, Village Engineer Chiczewski and Staff are scheduled to met with Sunset Grove Representatives on Monday, March 9, 2009 to review the status of the project and water system. – President Rodriguez said that the Village had a good meeting with Sunset Grove. President Rodriguez said that the developer would need to sign a letter agreeing to the construction of the water system no later than 5:00 PM on March 11, 2009.

There was discussion that followed regarding how the Village would finance its commitment if the design and construction exceeded \$3.25 million dollars. Village Engineer suggested that there might be an ability to receive money from the State at 0% interest, if needed. He added that if the money was needed, this resource might change the dynamics of funding the Village's commitment in favor of the Village - **Trustee Acuna Moved to Rescind a Regional Deep Well Water Construction & Acquisition Agreement Authorizing the Village Development & Construction of Such System as Part of IL Route 83 Water Special Service Area and the IL Route 83 Tax Increment Financing (TIF) District as amended and with the letter to be circulated on March 11, 2009; seconded by Trustee Lazakis.**

**ROLL CALL VOTE:**

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

**Item #7: Village President Rodriguez.**

**A. IL Route 53 Extension - Update.** – President Rodriguez said that proponents of the Rte. 53 Extension referendum were using Facebook, Twitter and other internet links to get their message across. She said that on March 24<sup>th</sup>, Lake County TV (LCTV) would be broadcasting a live chat on the subject. – **No action was taken.**

**B. BDI Conference.** – President Rodriguez said that on May 1, 2009, BDI would be hosting a conference of “Surviving the Retail Crunch.” - **No action was taken.**

**Item #8: Village Trustee Acuna.**

**A. Lake Michigan Water Village-wide Water System Referendum - Update.** – Trustee Acuna said that the Village of Long Grove was still being considered for Lake Michigan water, but that the Village would not move forward on any more expenditures or decisions until after the referendum. – **No action was taken.**

**B. Sanitary Sewer Connection Requirements.** The issue of septic vs. sewer has been debated for many years. Lake County Public Works has agreed to amend the service area of the current 1972 Agreement for several properties since 2002 with the understanding that the Village and Lake County would work in good faith toward a new agreement. In the preliminary discussions with Staff, the County has indicated that they would continue to honor the current limitation that provides the Village with the ability to control the permits for connections to the sanitary sewer. In an effort to detail the changes from the current to the proposed new agreement, Staff requested a copy of an existing agreement from another community that the County would be comfortable offering as the new agreement for Long Grove. – Trustee Acuna wanted to review the policy that the Village had of “hardship only” as a reason to connect to sewer. He said that given that Long Grove was essentially built-out, and that 49% of all residents already were connected to sewer, the Village might want to be more lenient when considering residents who wanted connecting to sewer. Village Manager Lothspeich said that the current agreement with Lake County dates back to 1972. There was discussion the capacity issue. It was decided by Trustees that a survey should be put into the *Bridge* to see if residents were interested in allowing more access to sewers.

Trustees also noted that there was not just a practical issue involved in this decision, but a philosophical one for the Village Residents; and that there would have to be stipulations in any amendments to sewer connection policy that would not allow subdivisions or residents to de-annex or subdivide from the Village if they did get sewer connection. – **No action was taken.**

**C. Low Income Housing** – Trustee Acuna mentioned that the area around the train station had been considered for low-income housing and that the Village Engineer should begin studying the area. President Rodriguez said that she had met with Congressman Kirk and that they had discussed securing funds to further study the idea of developing the area for low income housing – **No action was taken.**

**Item #9: Village Trustee Barry.**

**Absent.**

**Item #10: Village Trustee Hannon.**

**A. Treasurer Report For February 28, 2009.** – **Trustee Hannon moved to Approve the Bills as Presented; seconded by Trustee Schmitt.**

**ROLL CALL VOTE:**

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

**Trustee Hannon moved to Approve the Fund Balance as Presented for February 28, 2009; seconded by Trustee Schmitt.**

**ROLL CALL VOTE:**

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

**B. Actual and Budget Comparisons For Period Ending February 28, 2009.** For informational purposes only.

– **No action was taken.**

**C. Illinois Municipal Retirement Fund (IMRF) Update.** – **No action was taken.**

**D. Draft FY 2009/10 Village Budgets.** The draft budget includes the basic operating budget with possible projects (wish list items) for consideration by the Village Board. The Village Board is asked to discuss each of the possible projects and identify as either (1) “approved”; (2) “not approved”, or (3) “on hold”. . The tentative budget schedule is as follows: March 24, 2009 public hearing; April 14, 2009 ordinance approving budget. – Trustee Hannon said that the bright spot in the Budget was the

revenue and fine fees from Menard's; otherwise, there was a deep decrease in other sources of revenue. Trustee Hannon suggested that there were areas that needed to be re-examined to cut costs – among the possibilities were reducing money provided to the Park District, the Long Grove Business Partners, and not adding any of the Wish List items to the Budget. Even with all this, there was still a budget deficit around \$47,550. – **No action was taken.**

**Item #11: Village Trustee Lazakis.**

During the December 9, 2008 Board Meeting, Staff reported that Com Ed confirmed that the \$475,807.95 included in the contract is the total cost difference for Burial only. The Village Board requested further clarification as to whether the cost was limited to the burial or the total cost for the relocation and burial and approved a work agreement with Com Ed in an amount not to exceed \$475,807.95 conditioned upon this question being clarified. Com Ed recently confirmed the following costs related to the Sunset Grove Project:

Relocation Of Com Ed Overhead:	\$ 67,896.97
Burial Of Com Ed Overhead:	<u>\$403,866.21</u>
	\$471,763.18

**Trustee Schmitt moved to Direct Counsel to prepare a Resolution Approving the Revised Work Agreement with ComEd; seconded by Trustee Acuna.**

**VOICE VOTE:**

**All ayes, no nays (Motion approved 5 – 0; Trustee Barry absent)**

**B. Soccer Field Construction Status & Change Order Request.** The Village Engineer and Contractor are working on changes to the plans to reduce costs though the elimination of a significant amount of roadway guardrail running along south and western portions of the property. In order to accomplish this change, a permanent grading easement will be required from Menards. – Trustee Lazakis said that the soccer fields were a potential source of revenue for the Village once they were developed and put into use. – **No action was taken.**

**Item #12: Trustee Schmitt.**

**A. Park District:** Trustee Schmitt said that the Egg Hunt and the Earth Day Event were set for April 18, 2009. She said for contact information. Residents could speak with Sue Lyons. – **No action was taken.**

**B. Referenda:** Trustee Schmitt said that she was preparing informational flyers for sending out to the Village Residents on the following referendum issues: (1) Lake Michigan Water Village-wide Water System Referendum and (2) IL Route 53 Referendum (Lake County). How much information should be included, how the mailer should be sent and how to format the information were discussed. – **No action was taken.**

**Item #13: Village Trustee Wachs.**

**Nothing to report. 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 Superintendent Block.**

**A. Building Department Monthly Report.** – Superintendent Block updated the Board on permits and salt usage. He also said that the Attorney General of Illinois was looking for a way to reimburse towns for the overcharge in salt costs in 2008/09 – **No action was taken.**

**B. Illinois Public Works Mutual Aid Network Agreement (IPWMAN).** Village Superintendent Block participated in the Lake County Public Works Directors group and recommends the adoption of this agreement to provide the Village of Long Grove the ability to participate with neighboring communities during the time of emergency. Village Emergency Management Coordinator Marc Small supports the agreement as well. – Superintendent Block said that this agreement would allow outside forces to come into Long Grove in the event of a non-emergency situation for up to five days (at which time, if further help was needed, a government agency such as FEMA) would become involved). The agreement would allow for manpower and equipment - **Trustee Hannon moved for Approval of the Illinois Public Works Mutual Aid Network Agreement; seconded by Trustee Wachs.**

**ROLL CALL VOTE:**

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

-  
**Item #17: Village Planner Hogue.**

No thing to report. No action was taken.

-  
**Item #18: Village Attorney Filippini.**

No thing to report. No action was taken.

**Item #19: Approval of Board Meeting Minutes.**

*February 24, 2009 Board Meeting Minutes.* - Trustee Hannon moved to Approve the February 24, 2009 Village Board Minutes as amended; seconded by Trustee Lazakis.

**VOICE VOTE:**

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

-  
**Item: Executive Session.**

At 10:15 P.M., Trustee Acuna 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 Lazakis.

**ROLL CALL VOTE:**

Acuna – aye; Barry – absent; Hannon – aye; Lazakis – aye; Schmitt – aye; Wachs – aye

(Motion carried 5 – 0)

**Item: Other Business.**

*February 24, 2009 Executive Session Meeting Minutes.* - Trustee Lazakis moved to Approve the February 24, 2009 Executive Session Minutes as amended, but not for Public Release; seconded by Trustee Schmitt.

**VOICE VOTE:**

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

**Item: Adjournment.**

At 11:06 P.M.; Trustee Schmitt moved to Adjourn; seconded by Trustee Acuna.

**VOICE VOTE:**

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