

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON JANUARY 17, 2023 AT THE HILTON GARDEN INN COTTONWOOD ROOM**

**A. CALL TO ORDER**

Mayor Urlacher called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees Armstrong, Clark, Maier, Pelech, Pink, Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

In Attendance: Village Attorney, Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Village Administrator, Mandi Florip; Village Clerk, Sandy Gallo; Representative from James Anderson Company, Scott Anderson, Village Treasure, Amy Weiland; Representative of Sikich, Laura Babula

**C. APPROVAL OF THE MINUTES**

1. Special Meeting Minutes of December 19, 2022

The Village Board reviewed the Special Board meeting minutes of December 19, 2022. Trustee Pink had a word change. It was moved by Trustee Towne and seconded by Trustee Pink that the minutes of the Special Board meeting of December 19, 2022 be approved, with the edit and be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech, Pink and Towne

Nay: None

Mayor Urlacher declared the motion carried.

**D. APPROVAL OF THE BILLS**

Trustee Maier stated the Committee has reviewed and approved the bills to be paid totaling \$ 128,501.09.

It was moved by Trustee Maier and seconded by Trustee Towne to approve payment of the bills. Upon a call of the roll, the following voted:

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech, Pink and Towne

Nay: None

Mayor Urlacher declared the motion carried and the bills will be paid.

**E. TREASURER’S REPORT**

Sikich Representative, Laura Babula presented the November 30, 2022 Treasurer’s Report. Ms. Babula stated the Village’s revenue is running higher than the budgeted amount. In addition, cash received continues to be steady.

It was moved by Trustee Maier and seconded by Trustee Armstrong that the Board acknowledge receipt of the November 30, 2022 Treasurers Report and it be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech, Pink and Towne

Nay: None

Mayor Urlacher declared the motion carried.

**F. PUBLIC HEARING**

**G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

1. Citizens to be heard not listed elsewhere on this Agenda
2. Written Communications of Citizens to be Read

**H. COMMISSION AND COMMITTEE AND OTHER REPORTS**

**1. Finance Committee**

- a. Update on the Outstanding Tax Rebate Checks

Trustee Maier indicated we have two outstanding tax rebate checks. One resident lost his check. A stop payment will be processed and a reissuance will be done next month. The second resident tax rebate check will be handled through his trust as he has passed away.

- b. Other Matters

Trustee Maier indicated the Finance Committee will be reviewing legal expenditures relating to a current litigation case. Trustee Maier added next month’s expenses will include a special detail from Lake County Sheriff’s Office as a result of the officers signing-up for hours.

**2. Public Works Committee**

- a. Update on the Water Main Extension on Little St Marys Road

Trustee Pink stated 13 out of 14 residents responded to the village’s survey request. The residents indicated they are interested in receiving the connection information from an engineering firm. The Committee recommended that the Village Administrator Florip work

with Gewalt Hamilton to obtain water the connection costs for the 14 homes. Gewalt Hamilton was also utilized for the same road during the 2020 connection study.

b. Update of the Village's Requirement for Engineering Services

Trustee Pink stated the Board members received the James Anderson Company and Forest Builders Inc. list of engineering services they provide. Trustee Pink asked the Board members if they had any changes to be reflected on either list. No changes were indicated.

c. Other Matters

**3. Parks and Recreation Committee**

a. Update on the Village's Open Space Properties

Trustee Clark stated the MacLean Preserve at Oasis Park will have no further activity until the drainage project has been completed. The Committee is recommending a tree inventory be done on the village lot on Oak Hill Lane. The Chicago Region Tree Initiative reported Mettawa has one of the largest canopies of trees in the area. Village Administrator Florip indicated the Village will be applying to a grant available for tree removal, planting or treatments for our open spaces. This grant funding is a matching program.

b. Recommendation to Approve the Davey Tree Proposal to Complete Tree Inventory on the Village Lot Located at 27570 Oak Hill Lane in the Amount Not to Exceed \$1,250

Trustee Clark indicated the Committee is recommending a tree report to be completed on Oak Hill Lane as the next village lot to be inventoried.

c. Update on the 2023 Right-of-Way Program

Trustee Clark indicated the Committee has agreed to renew the right-of-way contract with Chris Dunlap, Dunlap Lawn Service. A great benefit of renewing this contract is due to Chris Dunlap being acquainted with the Village's lots and expectations.

d. Update on the Village's Requirements for Engineering Services

Trustee Clark stated the Committee reviewed the two firms engineering service listings. The one change the Committee recommended was to remove the maintenance on the pollinator gardens from the Forest Builders Inc listing. The garden's ongoing maintenance has been contracted with Pizzo & Associates Inc.

e. Other Matters

#### **4. Public Safety**

##### **a. Status and Activity Report**

Trustee Armstrong reported Mettawa Public Safety currently has 53 homes on the house watch program. Trustee Armstrong reminded the residents to be sure to clear their daily newspapers from their driveways to not depict your home is vacant.

Mayor Urlacher added the Lake County Sheriff's Office appears to have multiple sign-ups to work the special detail hours contract. The Village continues to wait to hear from Lake County Sheriff's Office indicating they have received enough applicants for their workforce and will begin to fulfill Mettawa's contract for an officer. The mayor clarified the hours for special detail is a separate contract from having a designated officer supporting Mettawa.

#### **5. Zoning, Planning and Appeals Commission Report**

##### **a. The Ordinance Denying an Application for a Fence Modification for Property Commonly Known as 27823-27835 St. Marys Road, Mettawa**

Village Attorney Rhodes stated Mr. Price the applicant made a request to modify Section 9.1004 (C) of the zoning code to allow an existing 6-foot solid fence be located in the rear and side yard. The applicant constructed a solid fence without a permit. The property owner is also in violation of the provision stating that the fence must be outward facing. The applicant did not make a request for a variation of the fence being installed incorrectly. The Commission held a public hearing on September 13, 2022. The applicant and his contractor were present at the public hearing. The Commission has recommended that the request for the variation be denied. The Board has received the ordinance denying the applicant's request along with the Findings of Facts report from the Zoning, Planning and Appeals Commission. The Board has the option to approve the Commissions denial or indicate a new ordinance to be drafted to approve the applicant's request.

Village Attorney Rhodes added on February 7<sup>th</sup> the Commission will be holding another public hearing to discuss the McCarthy garage addition located at 250 Melody Lane.

Rick Vanselow (13880 W Trail Drive) represented Bob Price. Mr. Vanselow stated he installed a solid fence on his property to keep the coyotes out and protect Mr. Price's dogs. Mr. Vanselow indicated he can modify the backwards side part of the fence to make it eye appealing for the neighbors.

Trustee Towne indicated he drove the Oaks neighborhood and many fences faced both directions to their neighbors. The complaint was made that the smooth side of the fence was not towards the Oaks neighbors. The appearance of Mr. Price's fence was consistent with the neighborhood. Trustee Towne stated the ordinance does indicate if a fence is replaced or repaired no permit is required.

Trustee Maier asked how close the fence was installed from the property line. Mr. Vanselow replied it varies based on location of the property line. Trustee Maier asked why the farm fence was not removed prior to the new fence installation. Mr. Vanselow indicated it is two feet from the new fence. Trustee Clark replied a Mettawa resident located next to Mr. Price's property indicated his concern that the fence's integrity may be compromised if every other slab was removed to rectify this matter. In addition, there are concerns if the installed poles met the depth requirement.

Mayor Urlacher asked if there were any solutions for Mr. Price's fence.

Trustee Towne asked the Libertyville residents from the Oaks neighborhood if they were open to any compromise with the applicant. Robert Dobeus replied no. Mr. Dobeus replied the Board should reject the proposal as the fence was not installed in compliance with the zoning code. Mr. Dobeus added to modify the fence by removing every other board is not a good solution. Mr. Dobeus added the support poles will also need to be maintained and that will require maintenance to be performed on his property. Liability becomes an issue if the worker is injured on his property. Village Engineer Scott Anderson commented the zoning code does not have a requirement of how the poles need to be installed.

Mr. Vanselow added Mr. Price is also concerned for his safety as his property borders another village. Hamilton Estates subdivision also has a bordering stockade fence surrounding their homes from the business center. Trustee Maier stated the number of acres a resident owns does not dictate what regulations are followed when installing a fence.

Trustee Pink asked if the new fence was installed where the old fence was previously. Mr. Vanselow replied yes.

Mayor Urlacher asked the Board members if they would like to find a remedy to this matter, table this case for 30 days or vote on the Zoning, Plannings and Appeals recommendation. Village Engineer Scott Anderson added if every other slab was removed it would create a stronger fence as it would allow the wood to dry and not rot. Village Attorney Rhodes reminded the Board a solid fence is not allowed in the zoning code.

Liz Leonard stated the smooth side of any fence must be adjacent to the neighbors. Village Attorney Rhodes stated the smooth side of the fence is in violation and it will need to be corrected.

Trustee Towne stated he would like to find a solution to this matter and provide the applicant 30 days to explore the different options.

b. Others

**I. BUSINESS FROM THE BOARD:**

**1. Mayor's Report**

a. Appointment of a Zoning, Planning and Appeals Commissioner

Mayor Urlacher indicated the Zoning, Planning and Appeals Commission has a vacant seat. A recommendation was made to have Karen Carruthers fill the position. Mrs. Carruthers has been very involved in Mettawa and is currently President of Mettawa's Open Land Association.

A motion was made to appoint Karen Carruthers as a ZPA Commissioner. The motion was made by Trustee Pink and seconded by Trustee Armstrong.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech, Pink and Towne

Nay: None

Mayor Urlacher declared the motion carried.

b. Building Report

Mayor Urlacher thanked Village Engineer Scott Anderson for the monthly building report and said it would be placed on file.

c. Other Matters

d. Village Administrator's Report

Village Administrator Florip stated Lake County Municipal League will be hosting their annual breakfast on February 4<sup>th</sup>. A quick reminder to the Board members to provide their edits to Article 1 zoning pages to the Village Clerk by February 10<sup>th</sup>.

**2. UNFINISHED BUSINESS**

Mayor Urlacher added the following two items will remain tabled.

a. A Motion to Remove from the Table an Ordinance Amending the Village of Mettawa Code of Ordinances, Chapter 15, Zoning Regulations, Article 11, Special Uses, Section 15.1106, Additional Regulations for Public Assemblies

b. Discussion of an Ordinance Amending the Village of Mettawa Code of Ordinances, Chapter 15, Zoning Regulations, Article 11, Special Uses, Section 15.1106, Additional Regulations for Public Assemblies

**3. SELECTION OF CONSENT AGENDA**

No consent agenda today. The two pending approval items will be voted on separately.

a. Approval of the Davey Tree Proposal to Complete Tree Inventory on the Village Lot Located at 27570 Oak Hill Lane in the Amount Not to Exceed \$1,250

A motion was made by Trustee Maier and seconded by Trustee Pelech to approve the agenda item.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Maier, Pelech, Pink and Towne

Nay: None

Abstain: Trustee Clark

Mayor Urlacher declared the motion carried.

b. Approval of an Ordinance Denying an Application for a Fence Modification for Property Commonly Known as 27823-27835 St. Marys Road, Mettawa

Trustee Towne asked if the applicant and the Libertyville resident would consider resolving this matter amicably. Robert Dobeus indicated they do not agree to holding a meeting as the fence needs to be removed and installed in compliance to the code. Trustee Towne asked for a 30-day delay to hold a meeting with the applicant and the nine Libertyville residents to resolve this matter.

A motion was made by Trustee Maier and seconded by Trustee Armstrong to approve the agenda item.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech and Pink

Nay: None

Abstain: Trustee Towne

Mayor Urlacher declared the motion carried.

**4. NEW BUSINESS**

- J. EXECUTIVE SESSION**
- K. CALL TO RECONVENE**
- L. ROLL CALL**

**M. MATTERS REQUIRING ACTION ARISING AS A RESULT OF THE EXECUTIVE SESSION**

a. Approval of a Real Estate Purchase Agreement for the Property Known as 0 Old School Road Mettawa Illinois

No Executive Session was held to discuss this item.

**N. ITEMS TO BE REFERRED  
O. FOR INFORMATION ONLY  
P. ADJOURNMENT**

The motion was made by Trustee Armstrong and seconded by Trustee Clark. With no further business to conduct, the meeting was adjourned by Ayes.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Clark, Maier, Pelech, Pink and Towne

Nay: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 7:58 p.m.

Sandy Gallo, Village Clerk