

MINUTES OF THE MEETING OF
THE VILLAGE OF PORT BARRINGTON BOARD OF TRUSTEES
LAKE AND MCHENRY COUNTIES, ILLINOIS
March 20, 2019

President Yeaton called to order the regularly scheduled Meeting of the Board of Trustees at 7:00pm. The following Trustees were present: Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler. Village Attorney Jim Bateman was also present.

President Yeaton asked the Board to set the agenda affirming no conflicts of interest and Trustee Grothendick motioned to set the agenda. Trustee Vogeler seconded and the motion was approved unanimously.

Trustee Vogeler motioned to approve the consent agenda comprised of minutes of the February 20, 2019 Regular Board Meeting Minutes, Executive Session minutes of February 20, 2019 and the February 2019 Treasurers Report. Trustee Cillo motioned to approve. Trustee Vogeler seconded. Roll call was taken; 6 Ayes, 0 Nays, 0 Absent. The motion was approved.

President Yeaton asked the Board to move on Bills Payable through March 20, 2019. Trustee Vogeler motioned to approve the bills payable and it was seconded by Trustee Cillo. The Bills Payable were approved by roll call vote. Upon roll call, the vote was: 6 Ayes, Nays: 0 Absent 0. Motion approved.

STREETS AND ROADS

Trustee Thomasson stated that the culvert at 662 Channel Drive will be repaired. The guard rails along the Center Street curve will be removed. The replacement being considered is boulders and 8-10 would be needed. Rusty will price out 8 x 8 posts to compare.

HEALTH AND SAFETY

Trustee Grothendick is waiting for a quote for an upgrade to the warning siren. It would send alerts if the siren were not fully functional.

The Parking, Storage and Driveway ordinance was sent to the Planning Commission.

Jim Bateman stated that a legal notice must be published for a hearing because it would be a change to zoning.

Trustee Grothendick stated interest in having an emergency response plan written.

Trustee Grothendick and President Yeaton are taking courses through the National Incident Management System.

Trustee Grothendick stated interest in building a sandbag wall as example. Trustee Vogeler will assist in composing instructions for how to build a sandbag wall.

POLICE

Trustee Herstedt stated that the Sheriff's Department reported some traffic stops. They are heavily watching Center Street.

The schedule is set for April.

President Yeaton attended adjudication court today.

Trustee Herstedt is seeking quotes to add fire detection and security cameras to the Village buildings. They would be monitored 24/7. Trustee Vogeler stated he didn't understand why the Village Board must have an Ordinance to add security and fire protections. Trustee Herstedt responded that a commercial building requires fire suppression. If the building is remodeled by more than 50% an Ordinance would be required. Jim Bateman stated that all related garages and the Community Room must be added. Trustee Herstedt motioned to approve Ordinance 2019-03-01 amending chapter 150.03 section 907 and to add related garages and the Village Community Room. Trustee Cillo seconded. Roll call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voted Aye. 0 Nays, 0 Absent. Motion approved.

Trustee Herstedt reminded the Board of previous discussion of snowmobile paths and connection to Rawson Bridge road. Ordinance 2019-03-02 was before the Board to add a designated route to Chapter 70. Trustee Herstedt motioned to approve that Ordinance. Trustee Thomasson seconded. Roll call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voted Aye. 0 Nays, 0 Absent. Motion approved.

Complaints were received by the Village regarding noise and parking at the Broken Oar during the St. Patrick's Day weekend. President Yeaton stated that a Deputy came out Friday and Saturday. An Officer was sent to the Broken Oar four separate times. McHenry County will route those calls to Wauconda going forward. Citations will be issued for nuisance. Tickets will be written for cars parked along Rawson Bridge Road, Brighton Circle and Camden Court. Tickets can only be issued on Brighton and Camden after 2am, but Rawson Bridge will be ticketed regardless of time. Jim Bateman stated that the current Ordinance does not state whether alcohol is allowed outside of the Licensee's establishment. He stated that typically a license for that is issued as a special permit or seasonally. He recommended the Board review the draft ordinance that would require all alcohol sales and use inside the establishment except when a special event liquor license is issued. President Yeaton stated that the Board could require police presence for traffic control. Jim Bateman stated a condition could be included to require a package plan and port-o-potties. Trustee Cillo asked if the tents at the Broken Oar would require a special event permit. Jim Bateman responded that yes it would, and if someone were disturbed it is considered a valid complaint. The alternative would be a hard stop for noise and bands. He urged the Board to move quickly as the new-year permits are being 05/01/2019. It could be approved at the April Board Meeting. President Yeaton stated it would be discussed at the next Committee Meeting.

PARKS AND BEACHES

Trustee Cillo stated that the Goose Chase company would patrol from 03/15/2019 – 06/15/2019. A CPR class is scheduled for 03/27/2019 and another class may be added.

FORESTRY

Trustee Corrigan stated that the Arbor Day Event would be held on 04/26/2019 at 3pm. He welcomed attendance for oak tree planting.

FINANCE

Trustee Corrigan had a meeting with E-Pay through Illinois Funds. Testing should begin within 2 weeks.

The Windoware hardware has been ordered.

The date for the Village Scholarship has been changed to 05/01/2019.

Meetings for budget discussion are complete. The April Committee Meeting will be to declare the budget and it must be approved at the April Board Meeting.

The Road and Bridge Fund from the counties has declined. Trustee Corrigan stated that 2 years ago Nunda Township pulled 50% of the funds and put it into a fund that the Village does not receive monies from.

BUILDING AND ZONING

Trustee Vogeler stated that he called the Attorney for the Deer Grove II development but received no response.

Trustee Vogeler, Donna Erfort and President Yeaton attended a meeting on Monday 03/11/2019 regarding the FEMA buyout for houses in the floodway. There is interest in coming up with a program to implement in the new Building and Zoning software to flag any house in the flood plain or floodway. A text amendment would require State permits prior to local permits. The State notified the Village that no change could be made until after 03/25/2019. Trustee asked the Board to consider whether the 50% rule for damage should be managed internally.

VILLAGE ATTORNEY

Jim Bateman stated that the Board was sent a memo. If Illinois courts review a zoning decision they look at 8 factors referred to as the LaSalle Factors, such as:

The extent to which a development damages the surrounding property values.

The relative gain to the public compared to the hardship placed on a property owner.

The Community need for the proposed use.

Review of the Comprehensive Plan.

Any zoning challenge regarding land use is measured against LaSalle Factors.

VILLAGE ENGINEER

President Yeaton stated that the Stormwater Management Plan was prepared by Manhard.

Trustee Corrigan requested that it be tabled until after the budget meetings.

Engineering review is underway regarding WDO permits on 3 construction sites.

VILLAGE ADMINISTRATOR

Donna Erfort will attend a Municipality Advisory Meeting.

Trustee Grothendick and Jody Thelin will attend the Fox River Summit.

Jody Thelin and Donna Erfort will meet to discuss a plan to restore Beach Park and the Island.

The election is 04/12/2019.

HOA

Trustee Vogeler stated he was contacted by the Shores Townhomes about an emergency access easement road. Jim Bateman stated that the 2013 declaration of covenants for the Moorings provides for an access road known as Access Easement C and must be kept in repair by the Moorings HOA. There is also an access easement B which the Moorings HOA is also required to maintain. It is only for emergency vehicles. The Village could provide a road, but it would require the consent of every resident using Kazimour Drive and is not interested in doing so.

PLANNING COMMISSION.

Mike Weiner stated that the Planning Commission had questions about the preliminary variance request from the Broken Oar. President Yeaton stated she would check with Manhard Engineering.

The Planning Commission Board discussed the driveway at 68 S. Circle. That Board voted unanimously to leave it as is.

Regarding the Sherman property the Planning Commission had discussion and heard public comment. Their Board voted 2 yes and 4 nay to not proceed on the straw poll. Factors considered were that it will not enhance the Village tax base and the proposed facility is too large for the area. The actual vote was unanimous and the recommendation to the Board is to not allow the proposed development. Jim Bateman stated that the Planning Commission recommendation was before the Village Board and there is an obligation to move on it. President Yeaton stated the Board could put the Ordinance on pause and accept the same presentation given to the Planning Commission. Jim Bateman recommended the Board defer action and the Board agreed. Mr. Sherman spoke to the Board about his frustration and expense in trying to build on the land that he bought 10 years ago. He requested to sit down with the Board to get direction on how to develop the site and not incur additional expense and then be declined again. Mr. Sherman did state interest in returning to make a presentation to the Board. President Yeaton stated that it could be accomplished at the April Board Meeting. The Board agreed to that.

Trustee Vogeler asked to discuss the driveway at 68 S. Circle. Mike Weiner stated the considerations were that a permit was issued and there are other driveways that width that have been grand-fathered in. It was considered a waste of taxpayer money to remove the driveway for the homeowner with Village funds. Trustee Vogeler stated that gravel was added to widen and accommodate a trailer. Mr. Wagoner stated he has a plat of survey that shows the driveway was always the same width. Jim Bateman stated that if the Board was inclined to grant a variance an Ordinance should be prepared. President Yeaton stated that the Village offered to correct the issue and pay to bring the driveway into compliance, but Mr. Wagoner declined. President Yeaton stated that allowing the driveway to remain, with the apron paved, sets a precedent and it is directly across the street from the Village Hall. Trustee Grothendick motioned to direct the Village Attorney to prepare an Ordinance to disapprove the Planning Commission recommendation and to not allow. Trustee Vogeler seconded. Roll call was taken: Trustees Grothendick, Herstedt, Cillo, Corrigan and Vogeler voted Aye. Trustee Thomasson voted Nay, 0 Absent. Motion approved.

The Village Clerk did then swear in Jody Thelin as Commissioner of the Port Barrington Waterway Committee.

PORT BARRINGTON WATERWAY COMMISSION

Jody Thelin stated that the river crested at 11:15am. Sandbagging will not likely be needed but sand is available for that purpose.

PBERT

President Yeaton stated she wants binders created for emergency response. Radios are being included in the budget.

VILLAGE PRESIDENT

Lobby Day will be 05/01/2019 and President Yeaton may not be back in time for the Committee Meeting. Trustee Corrigan would be acting President in her absence.

The meeting was open to the floor at 9:24 pm.

Bonnie Miske Haber was present to address the Board and introduced herself and Mike Haber as owners of the Broken Oar. She stated that the bulk of their business is outdoors. She disagreed with the statement that McHenry County does not allow outdoor alcohol. Jim Bateman stated that it is not an entitlement. It is at the discretion of the Village Board to allow or not. She further disagrees with the frequency of the Sheriff’s Department visits. She read a prepared statement and believes that changing their liquor license would put them out of business.

Alex Herron of Riverwalk stated that he believes the music has gotten louder over the last year.

Sue Lester requested lines be painted on paved surfaces in Deer Grove.

Thomas Burkholder stated the music at the Broken Oar was much louder than usual recently. Another resident agreed.

Trustee Vogeler motioned to adjourn. Trustee Grothendick seconded. Roll call was taken: 6 Ayes, 0 Nays, 0 Absent. Motion approved.

The meeting was adjourned at 9:54pm.

Respectfully Submitted,

Nancy Bachal, Village Clerk

AYES 5
NAYS 0
ABSENT 1 --Herstedt
ABSTAIN 0
APPROVED April 17, 2019