

MINUTES OF THE REGULAR BOARD
MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES
THURSDAY, JUNE 15, 2006

CALL TO ORDER AND ROLL CALL

President Laube called the meeting to order at 8:00 p.m. in the Municipal Center. Present at roll call were Trustees Bastidas, Bowman, Figurski, Menzel, Pelletier and Tuman. Also present were President Laube, Attorney Rosenthal, Administrator Osten, Lieutenant Lukasik, and Clerk Brouder.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Trustee Figurski made a motion to approve the Board Minutes of May 18, 2006. Trustee Pelletier seconded. It was approved by a roll call of six yes votes.

VISITOR'S COMMENTS

Present at the meeting were residents of Welch's Subdivision (list of names and addresses is attached to the minutes). President Laube stated Administrator Osten would do a short presentation explaining why the Village was considering annexing Welch's subdivision along with 909 and 913 Route 22.

Administrator Osten explained why the annexation was occurring, the process involved and the impacts on the new residents. The Village learned that U.S. Cellular was applying for county permit to install a 192-foot cell tower on Dunmeyer Automotive's property. The Village does not feel this area best fits a cell tower and have tried unsuccessfully to work with U.S. Cellular to find another location in Fox River Grove. Because the County could permit the cell tower within thirty days, the Village has a very small window within which to act. The Village placed legally required notice in newspaper, prepared plat of annexation documents and will consider adopting an annexation ordinance tonight. Resident's current uses will remain as they are. Residents will be required to buy vehicle stickers and prohibited from burning leaves. Property taxes will increase approximately 10%. Residents would have the benefits of stronger development regulations and property maintenance codes, police and snow plowing, access to water and sewer, cheaper garbage rates and the ability to elect Village Board.

President Laube added the tower could have an adverse effect on values of homes and future developments in the area. Stone Hill Center has voiced strong concerns about the tower.

Attorney Rosenthal stated that the prospect of a cell tower being installed on property near the Village without any notice or hearings is the catalyst. Cell towers can have a negative impact

on an area. The annexed property will be zoned R1 ~ the Village's highest residential zoning classification. The business property will also be zoned R1 by law, but the Village will be open to changing to the appropriate business zoning classification. There will be no requirement to hook up to Water & Sewer, unless it is new construction. The R- zoning classification is the appropriate classification in Welch's subdivision. There are no plans for any Village building and no intention to take any property.

Tom Dioguardi, 1013 South Road – Mr. Dioguardi objects to being annexed to Fox River Grove and is for the cell tower. This is a terrible welcome to the Village. Many of the residents in Welch's are on fixed incomes and the taxes will increase. If septics go out, the county may not issue permits because now we are near Village water main. Burning is another issue. Welch's residents are not really receiving anything that they don't already have. The only benefit is the closer police protection and we appreciate that.

Julie Dunmeyer, 9419 Doyle Road – Mrs. Dunmeyer stated they have had their business location for thirty years and have always kept the property clean and neat. They did everything the cell tower company needed. The surrounding neighbors were not complaining. The cell tower would be fenced with shrubbery. Their property is the best location for the best reception. They are concerned about their business property being rezoned. Is the Village willing to negotiate fees? Attorney Rosenthal replied that as long as the business stays the same it would be grandfathered in.

Jessica Perez, Attorney for U.S. Cellular with Barack, Ferrazzano, Kirschbaum, Perlman and Nagelberg - The annexation is being done to block the cell tower. Attorney Rosenthal responded that the purpose is to have any cell tower comply with the Village's local ordinances. Ms. Perez stated that the cell tower is in compliance with all county regulations. U. S. Cellular has vested zoning rights because the application has been filed and the annexation will not block the tower. Annexation is being done in futility. (Ms. Perez handed out a case comparison.) Attorney Rosenthal respectfully disagreed with Ms. Perez and her findings.

Mike Binek, Danny Perez, Lee Ferry and Glenn Bobec all representing U.S. Cellular – available for questions. Mr. Bobec stated that the Village just annexed to the north of Welch's and wants to understand where the devaluation would come from.

Florence Kost, 215 Northwest Hwy. – lives in Cary and her cell phone doesn't work. She would like a tower to give them better reception. If Mr. Dunmeyer's business closes, customers who come to his business and then shop in the Village could be lost.

Katherine Schiewe, 1011 North Road – is a seven-year resident. Will not be gaining any new services. States the Village will use eminent domain and force people to hook up to water. Attorney Rosenthal replied that the Village would not have authority to take anyone's property without due process. A residential area would not qualify for a TIF district. With regard to eminent domain someone has to pay the property owner when property is taken. The new law passed in December makes it more expensive.

Dawn Fisher, 1011 South Road – Lived in Village for thirty years and moved out due to the rising real estate tax bills. Village offers nothing to its residents.

Jerome Ziomek, 1014 North Road – Annexed the property on Route 22 and gave a permit to the developer. Now the artesian well that was there is dried up. President Laube stated the Village isn't aware of any problems but will check into it.

Rita Sgarbossa, 1006 South Road – Mrs. Sgarbossa is 89 years old and lives on fixed income about \$600 per month. Her real estate taxes are already \$3,600 and she may have to move with this increase. She also stated she has to pay for her medicines which are very expensive. She is

disappointed the Village didn't give residents more notice. Trustee Menzel asked her if she had gone to Algonquin Township to get a senior exemption on her taxes.

Joe Sgarbossa, 1006 South Road – Has many trees on their property and with burning be prohibited, leaves will have to be hauled away and that will be a burden.

Terry Sroka, 1008 North Road – Concerned about eminent domain, the wetlands and what will happen to his neighbors.

Dan Brabec, 1013 North Road – What are the requirements for annexation and why is the Village taking Welch's subdivision? Doesn't want forced annexation and Village's restrictions. Attorney Rosenthal stated that FRG businesses have voiced concerns about the cell tower. He stated that the law requires only notice published in the local paper for property less than sixty acres which is fully bounded by one or more municipalities. Welch's subdivision became fully bounded last January when the Village annexed Route 14 properties.

Skip Martel, 1007 North Road – nothing different to say.

Rich Gross, 1005 North Road – stated he is against the annexation.

Kevin Cole, 1009 North Road – stated he is upset about the taxes, and his children attend Barrington Schools. If the annexation causes Barrington to redistrict, it defeats his purpose to living there. Attorney Rosenthal stated the annexation will have no effect on school district boundaries. Mr. Cole replied that when a census is done, the boundaries can be changed.

Jim Corty, 1001, 1003, 1005 Route 22 – Adding a cell tower to this area will cause it to be a blighted area. Why not place it on Pepper Road? Ms. Perez replied that the search ring shows where the best coverage area would be. A colored search ring map was shown to the Village Board.

Lawrence Huerta, 1012 North Road – resident for seventeen years. Attended Board meetings to object to Fox Glen. Doesn't feel the Village pays any attention to the resident's concerns. Understand that changes happen. When medical building was being put up, we objected and talked about an annexation then and the Village said that would not happen and now it is. Concerned that if he has septic problems, he will be forced to hook up to Village water. President Laube responded that the Village takes all residents concerns seriously.

Jean Uehle, 1014 South Road – Currently in the Barrington Library District – asked if Welch's can now use the Fox River Grove Library. He was told that they already can because of reciprocal library rules.

Mark Molemaar, 105 South Road – Concerned about the wetlands being disturbed. Law dictates any work in public wetlands. Wants to see the stamped records from the state. Taking the Village's word that Village has engineer's report. President Laube stated that the County regulates stormwater and he can review all Village records.

Paula Moore, 1014 North Road – Very serious issues with the annexation and wetlands. Asked Village Board not to make the decision tonight to annex the property, but to give them time to work together. Opposed to the annexation and for the cell tower.

Alan Corbin, 1001 North Road – stated he had to notify sixteen entities for a County variance for his swimming pool. Seems unfair the Village can do this without notifying anyone. Gardner Road is still unincorporated. What's to stop the tower from being built there? Attorney Rosenthal stated that it is zoned residential.

Lee Raiman, 803 Hunters Way – Currently lives in the Village and asked if his real estate taxes would be affected. The tax increase does not affect other parts of town.

Katherine Schiewe asked about the cell extension on Norge Ski Tower. She couldn't find the Board minutes regarding that and asked why it wasn't approved. President Laube replied that it was approved. Administrator Osten added that it was a wireless internet antenna.

Terry Sroka asked how a cell tower can be a negative and a Car X that is noisy is OK.

Craig Graham, 1016 North Road – Resident of Welch’ subdivision for fifteen years. Everything residents have tried to avoid is happening now. Completely against annexation. The taxes are difficult to pay now. Has 20 oak trees on his property – burden to bag. Have great snow plowing already. Pays from own funds together with neighbors to have roads repaired.

Lois Bailey, 1012 South Road – Heard the Village will receive \$3,100 for the tower is on Village property. She feels it is all about the money.

Mr. Corbin asked the Village Board to really consider the annexation. It is not a benefit to gain Welch’s subdivision.

A petition signed by Welch’s subdivision homeowners was given to President Laube.

Ms. Schiewe asked if the Village served notice to the library or the fire district. Attorney Rosenthal replied that no notice was sent because it was not required by law.

Ms. Perez stated that the propagation map shows 100% coverage and the locations the Village suggested had only 60-70% coverage.

Trustee Figurski made a motion to adopt an ordinance annexing certain territory to the Village of Fox River Grove (Welch’s Subdivision – Unincorporated Areas). Trustee Menzel seconded. Trustee Bastidas asked why we can’t wait. Attorney Rosenthal stated the County could approve the permit before the next Board meeting. She then asked the U.S. Cellular representatives if they were willing to withdraw their application. They replied they did not have the authority to do so. The vote was then approved by a roll call of five yes votes and one no vote by Trustee Bowman. This will be Ordinance 2006-29.

LEGISLATIVE REPORT

Trustee Figurski reported the NWMC adjourned for the summer until September 13th.

Trustee Pelletier reported the following for McCOG:

~ McCOG celebrated their first anniversary. The next meeting is in Richmond with a presentation on Waste Water Reuse. There is a slight chance that she cannot attend.

FINANCE AND ADMINISTRATION COMMITTEE REPORT

~ **Trustee Bastidas made a motion to approve the Accounts Payable Report for May 2006.**

Trustee Figurski seconded. It was approved by a roll call of six yes votes.

~ All Funds Summary report provided because it was not available for the Finance meeting. There were no questions.

~ **Trustee Bastidas made a motion to adopt an ordinance amending Section 12-23, Chapter 12 “Licenses, Permits and Business Regulations” of the Code of Ordinances of the Village of Fox River Grove for the purpose of pro rating fees for business licenses.**

Trustee Figurski seconded. It was approved by a roll call of six yes votes. This will be Ordinance 2006-30.

PUBLIC WORKS COMMITTEE REPORT

~ **Trustee Figurski made a motion to submit the OSLAD grant in the amount of 148,200.**

Trustee Menzel seconded. It is the same grant as last year, but new funds have become available. It was approved by a roll call of six yes votes.

~ **Trustee Figurski made a motion to approve the MFT Resolution in the amount of \$150,800. Trustee Pelletier seconded.** Trustee Figurski reported the commuter parking lot

will be closed for one week this year while being resurfaced rather than three weekends because it would be less expensive. The motion was approved by a roll call of six yes votes. This will be Resolution 2006-01.

PUBLIC HEALTH & SAFETY COMMITTEE REPORT

~ Trustee Bowman made a motion to adopt an ordinance amending Chapter 8, Division 2, "Fireworks" of the Code of Ordinances of the Village of Fox River Grove in its entirety in order to make the Villages ordinances relating to the use and handling of fireworks consistent with the Illinois Fireworks Act, as amended. Trustee Pelletier seconded.

This covers any pyrotechnic or consumer display. The site requires inspection by the Police Department and Fire Chief. It was approved by a roll call of six yes votes. This will be Ordinance 2006-31.

VILLAGE ATTORNEY'S REPORT

Attorney Rosenthal stated that this item was included in the previous annexation discussion.

~ Trustee Figurski made a motion to adopt an ordinance annexing certain territory to the Village of Fox River Grove (909 and 913 Route 22). Trustee Menzel seconded. It was approved by six yes votes. This will be Ordinance 2006-32

VILLAGE PRESIDENT'S REPORT

~ President Laube reminded everyone about our Fireworks and Water Ski Show on Saturday, July 8th. Volunteers are still needed. Contact Donna to volunteer.

~ President Laube stated the chain of command in an emergency situation will be as follows: President Laube, Trustees Figurski, Bowman, Tuman, Pelletier, Menzel and Bastidas. Trustees Figurski, Bowman and Pelletier have passed the NIMS test. In order for us to be eligible for grant money, all must pass the test.

VILLAGE ADMINISTRATOR'S REPORT

~ Administrator Osten explained we need to extend the cable extension, which expires at the end of this month. Trustee Figurski made a motion to adopt an ordinance authorizing the extension of the term of the Cable Television Franchise Agreement with Comcast of Northern Illinois, Inc. Trustee Menzel seconded. It was approved by a roll call of six yes votes.

~ Trustee Pelletier asked to table the McHenry County Community Foundation until next month. She attended the Park Commission meeting and felt there were still a few unanswered questions. One being who receives the interest on the money that is in the foundation account. Administrator Osten will find out.

~ Administrator Osten stated that the Village has provided information on DROP legislation (Deferred Retirement for Police & Fire) and the Village will be providing more to them.

~ Cell phone settlement has been reached and the Village will have forms for a refund.

VILLAGE CLERK'S REPORT

~ Trustee Figurski made a motion to waive the park permit fees and sound permit requirements for the Fox River Grove Fire District Water Fights on July 9, 2006. Trustee Bowman seconded. It was approved by a roll call of six yes votes.

~ Trustee Bowman made a motion to adopt a resolution determining that the minutes of certain closed meetings of the Board of Trustees of the Village of Fox River Grove no longer need to be kept confidential. Trustee Pelletier seconded. It was approved by a roll call of six yes votes. This will be Resolution 2006-02.

ANNOUNCEMENTS

None.

OTHER BUSINESS

Remind everyone of the Special Board Meeting on June 29th at 7 p.m. Garage meetings are June 20th at 11 a.m., 22nd at 10 a.m., and the 28th at 10 a.m.

EXECUTIVE SESSION

Trustee Figurski made a motion to enter into Executive Session at 9:56 to discuss pending litigation, personnel and property acquisition. Trustee Pelletier seconded. It was approved by a roll call of six yes votes. All Trustees were present along with President Laube, Attorney Rosenthal, Administrator Osten and Clerk Brouder. **Trustee Menzel made a motion to return to Village Board meeting at 10:18. Trustee Figurski seconded.** It was approved by a roll call of six yes votes. Present were Trustees Bastidas, Bowman, Figurski, Menzel, Pelletier and Tuman. Also present were President Laube, Attorney Rosenthal, Administrator Osten and Clerk Brouder.

ADJOURNMENT

~ Trustee Bowman made a motion to adjourn the Village Board meeting at 10:20 p.m. Trustee Menzel seconded. All were in favor.

Katherine A. Laube, Village President

Date Approved

Donna M. Brouder, Village Clerk