

**VILLAGE OF KILDEER**

**REGULAR MEETING OF THE  
BOARD OF TRUSTEES**

**August 4, 2009, 7:30 p.m., Village Hall  
21911 Quentin Road, Kildeer, IL**



**APPROVED  
MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

The regular meeting of the Board of Trustees of the Village of Kildeer was held on Tuesday, August 4, 2009 at 7:37 p.m. in the Village Hall, 21911 Quentin Road, Kildeer, Illinois, per ordinance. President Black called the meeting to order and led the Pledge of Allegiance. Upon roll call the following were present:

Village President Black, Trustees Liberatore, Sokolowski, Stavropoulos, Tarabein, and Stratman.

Absent: 0

Other Officials Present: Administrator Talbett, Chief Lilly, and Attorney Winter.

**2. PUBLIC COMMENT**

Numerous residents of Kildeer Estates were present to ask questions regarding the proposed annexation into Hawthorn Woods. The following Kildeer Estates residents addressed the Board:

Liqun Wan, 23487 N. Empress Drive, said he became aware of the annexation process two weeks ago and questioned if it was too late to oppose the proposed annexation into Hawthorn Woods and investigate annexation into Kildeer. He said they do not have a homeowners association, and the builder, Dartmoor Homes, is their representative. Mr. Wan said he does not have a preference but was confused because Dartmoor told the residents their first choice for annexation was Kildeer, but Kildeer refused the offer. He also said they were told they could not annex into Kildeer because only Hawthorn Woods could supply their water.

Administrator Talbett responded that he was aware of a petition to annex submitted to Hawthorn Woods but was not aware of Hawthorn Woods acting upon the petition.

President Black said she was not aware of the builder approaching Kildeer.

Hua Xu, 23438 Everest, agreed with the previous resident's comments and said the residents thought the only option was to be annexed into Hawthorn Woods.

Attorney Winter said a petition had been filed by the builder for annexation into Hawthorn Woods and listed different options available to the residents and briefly explained the annexation process. Contiguous parcels are necessary for annexation into Kildeer. If the

homeowners were agreeable, the Village of Kildeer could begin the petition process. If more than 50% of the property owners and electorate approve the annexation, it could be successful. Attorney Winter offered to monitor the litigation. Trustee Tarabein recommended the residents retain their own legal counsel to represent them.

Ted Valenti said he is representing residents of the Groves and a few of the surrounding subdivisions. He did a survey of nine homes in Kildeer Estates and found the residents wanted to be annexed into Kildeer. He also commented on the northeast corner of Quentin and Route 22 stating the Board should retain the residential nature of the corner.

Sherri Dove, Williamsburg Court, said she was with Mr. Valenti when he surveyed the homes. She accused Dartmoor Homes of using a “divide and conquer” tactic by telling three different homeowners that they were the only ones that did not support the annexation into Hawthorn Woods. She asked if they should join forces with Forest Lake.

Trustee Sokolowski provided background information about the development and noted that the builder changed several times which complicated the situation.

President Black thanked the residents of Kildeer Estates, The Groves, and Beacon Hill for their comments and attendance tonight. She suggested they join together and obtain legal representation.

Jim Ruzicka, 21423 Grove, gave a brief report on his research including web sites on O’Hare Airport plane traffic. He described the function of the O’Hare Noise Compatibility Commission and suggested the Village of Kildeer look into becoming a member or appointing a designee to attend their meetings.

Administrator Talbett thanked Mr. Ruzicka for his information and said it had been included in the Board packet and would be considered.

Jim Butz, 21329 N. Boschome, said he has lived at this residence for 12 years and has experienced flooding issues that have gotten worse. He said the neighboring residence received new drain sewers and questioned why Village funds were spent for this residence while his own problems are much more severe. Mr. Butz gave photographs of his property to the Board.

Mike Simpson, 21322 N. Boschome, said he is a 26-year-resident, and he lives across the street from Mr. Butz. He provided historical information about the homes and the drainage system. Mr. Simpson said the street was impassible at times with water up to 1-1/2 feet. He said adding drains only added to the problem. He asked that staff review this problem and come up with a remedy.

3. APPROVAL OF MINUTES

A. June 2, 2009 Board Meeting

Trustee Stratman said the discussion came after the vote and the minutes do not reflect the proper order. She said that not all of the comments were included so the minutes were not complete. Trustees Sokolowski and Tarabien said not all of their comments were included either. Attorney Winter said minutes are not intended to be a verbatim transcript and there was agreement that the information in the minutes was correct. He said the record taker must take some liberty when composing minutes so they are clear when read. He said issues related to the minutes could be discussed with the clerk prior to the meeting so the minutes presented at the meeting are satisfactory.

Administrator Talbett will attach the memorandum from Trustee Scacci dated June 2, 2009 to the record as the minutes reflect.

Motion by Stratman, to amend the minutes as she requested. The motion failed for lack of a second.

B. July 7, 2009 Board Meeting Correction Item 5-A Strewell corrected to Stevelle  
Motion by Stratman, second by Sokolowski, to approve the minutes from June 2 and July 7 with as written with a spelling correction on the July 7 minutes.

Upon voice vote:

YES: 4 Libertore, Sokolowski, Stavropoulos, and Tarabein

NO: 1 Stratman

Absent:0

4. OFFICIAL REPORTS

A. President Black

i. Appointment of William J. Johnson as Trustee

President Black recommended William Johnson to fill the vacant Trustee seat and summarized his qualifications.

Motion by Stavropoulos, seconded by Libertore, to approve William J. Johnson as Trustee.

Trustee Stratman questioned if diversity had been considered when Mr. Johnson was proposed to fill the vacancy. She was concerned that Mr. Johnson's business travels could interfere with his attendance at the Board meeting.

Upon roll call:

YES: 5 Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

Mr. Johnson was sworn in by President Black and took his seat at the dais.

ii. Appointment of Michael Aretos as Plan Commission Chairman  
President Black recommended Mr. Aretos, a current Plan Commission member, to fill the vacant seat and summarized his qualifications.

Motion by Stavropoulos, seconded by Libertore, to approve Michael Aretos as Plan Commission Chairman.

Upon voice vote:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

iii. Appointment of Kevin Osburn as Plan Commissioner  
President Black recommended Mr. Osburn to fill a vacancy on the Plan Commission and summarized his qualifications.

Motion by Stavropoulos, seconded by Sokolowski, to approve the appointment of Kevin Osburn to the Plan Commission.

Upon voice vote:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

iv. Liquor Commission Appointments

Motion by Libertore, seconded by Tarabein, to appoint Trustees Johnson and Sokolowski to the Liquor Control Commission.

Upon voice vote:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

The Regular Board meeting was suspended at 8: 50 p.m. to allow the Liquor Control Commission to meet.

The Regular Board meeting resumed at 8: 55 p.m.

- v. Approval of Liquor Licenses  
Motion made by Johnson, seconded by Liberatore, to approve the liquor licenses as recommended by the Liquor Control Commission.

Upon roll call:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

- B Administrator Talbett reported:
  - i. Kildeer Marketplace bond renewed for another year
  - ii. Resident Calls listed in packet
  - iii. Quentin Traffic Light costs being reviewed with Centro
  - iv. Harris/MSI Software training has begun
  - v. John's Pub Letter regarding amusement fees sent
  - vi. Foxborough tree removal was completed.

- C. Treasurer Talbett  
Disbursement Approval  
The Cash Disbursement Journal was included in the packet.

- D. Building Commissioner Talbett
  - i. Meeting of Architectural Review Committee
  - ii. Meeting of Plan Commission

- E. Attorney Winter – No Report

- F. Police Chief Activity Report

Chief Lilly provided a handout with a comparison of arrests, STEP reports, and summary of criminal offenses and citations. He said a Kildeer police officer apprehended a suspect who is accused of throwing concrete at cars. The Board commended the officer for excellent police work.

## 5. Board Standing Committee Reports

- A. Building and Zoning – Trustee Liberatore
  - i. Coffee Shop, Shops of Kildeer – Jeff Sienna gave a brief presentation on his proposal for a coffee shop at 200 Rand Road. Referred to Plan Commission.
  - ii. Concorde Banquets Shed Conversion - Referred to Plan Commission.
  - iii. Dabrowski Permit Extension Request – 21340 Cliffside  
Administrator Talbett recapped the matter of a residential home with a building permit issued in 2006 but the project was not completed. Staff has worked with the owner, Mr. Dabrowski, and recommended the permit be extended at a cost of \$500 with conditions including a \$5,000 completion bond. Mr. Dabrowski was present, and Administrator Talbett read the conditions. Mr. Dabrowski said he understood and agreed to the conditions including the forfeiture of funds if he did not abide by the agreement.

Motion made by Tarabein, seconded by Johnson, to approve the building permit extension for 21340 Cliffside and enter into an agreement with Mr. Dabrowski.

Upon roll call:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

B. Community Relations – Trustee Stavropoulos

i. Police Open House. Trustee Stavropoulos said the Police Open House is scheduled on August 22 from 1:00 to 4:00 p.m. and has many excellent activities scheduled. She encouraged everyone to attend.

ii. Other Events are being planned for fall including a pet parade and Halloween event.

C. Committee of the Whole – President Black

i. ICMA Retirement Corporation Resolution

Motion by Libertore, seconded by Tarabein, to approve Resolution 09-R-9 for a Legislative Body Relating to a 457 Deferred Compensation Plan.

Upon roll call:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

ii. Ordinance Prohibiting Video Gaming

Motion by Libertore, seconded by Tarabein, to adopt an Ordinance amending the Kildeer Municipal Code to prohibit the installation and/or operation of video gaming devices within the Village of Kildeer.

Upon roll call:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

iii. Amendment to Administrative Adjudications Ordinance

Motion by Libertore, seconded by Sokolowski, to adopt an Ordinance amending Title 1, Chapter 26, of the Kildeer Municipal Code entitled, “Administrative Adjudication of Violations” by amending provisions related to the initial hearing date and adding alternative sentencing provisions in Sections 1-26-2(C) and 1-26-5(E).

Discussion followed with Chief Lilly and Attorney Winter providing additional information and answering questions posed by the Trustees. They explained that this ordinance will provide more opportunities to the adjudicator so the punishment can be more suitable for the individual than what the Lake County court proceedings could offer.

Upon roll call:

Yes: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

No: 0

Absent:0

iv. Red Flag Ordinance

Attorney Winter highlighted the provisions of the Red Flag Ordinance in accordance with rules provided by the Federal Trade Commission to combat identity theft. These rules apply to all municipalities that have utility accounts.

Motion by Tarabein, seconded by Stavropoulos, to adopt an Ordinance adopting an identity theft prevention policy for the Village of Kildeer.

Upon roll call:

Yes: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

No: 0

Absent:0

v. Parking Ordinance Moratorium

Chief Lilly reviewed the information in his memorandum to Administrator Talbett dated July 22, 2009 which outlines the proposed pilot program for on-street parking relief. The revisions would remove all on-street parking restrictions from Village maintained streets with the exception of certain minor arterial roads.

Susan Smalstig, 22467 Clayton Court, asked if this would apply to all vehicles or just maintenance vehicles. She said she was not aware of any problem and asked the Board to table this item and allow the residents to get more involved.

President Black said it would apply to all vehicles and summarized the content and intent of the proposed pilot program. Attorney Winter provided additional information on the proposed change.

Ken Curtis, 21181 N. Yorkshire, stated his opposition to any parking on Village streets and to the proposed moratorium.

Richard Nieber, Meadowood I resident, said it was not his intent to mislead the Board when he spoke at the last Committee Night meeting to endorse the no parking moratorium. He did not realize that there were dissenting opinions. He asked the Board to make a decision that is not dependent upon the information he previously provided.

Jim Ruzicka, 21423, asked if Long Grove Road was included. He has noticed a problem with parking on both sides of the streets when events are held and asked the Board to look into this hazardous situation.

Attorney Winter responded that the proposed change would not apply to Long Grove Road and clarified certain provisions of the proposed ordinance. Chief Lilly also responded to several of the residents' comments including restrictions during a snowfall.

Sherrri Dove, Beacon Hill Subdivision, stated her concern that her neighbors will start parking in the street once it is allowed because their driveways are shorter than most. With the curving roads in the neighborhood, that could present a hazard.

Matt Arett, Williamsburg Court, Beacon Hill Subdivision, asked if the Staff and Board had truly and accurately communicated this proposal to the residents.

President Black said this issue has been brought up by the previous Board and had been discussed at length. She said this was not a new issue and had been covered by the newspapers and was in the Village newsletter. She and several trustees explained that the Board was taking action in response to concerns stated by many residents and for safety reasons. The residents were reminded that this change is proposed on a trial basis only with the ordinance reverting to the current ordinance on May 5, 2010 unless the Board takes action.

Motion by Libertore, seconded by Johnson, to adopt an Ordinance approving a nine-month moratorium on the enforcement of certain on-street parking restrictions as set forth in Section 10-3-2(A) of the Village of Kildeer Municipal Code.

Upon roll call:

Yes: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

No: 0

Absent:0

vi. Lake County, Deer Park, Kildeer Bike Path Agreement

Administrator Talbett said there are still details to work out regarding the proposed bike path and Board authorized him to negotiate the agreement so he can work with the Village Engineer and Centro Properties and to continue negotiating costs, addressing liability, and bike path route.

There was agreement that more information and work was needed before the agreement could be finalized.

6. Unfinished Business – Boundary Agreement Discussion with Lake Zurich

Administrator Talbett provided a copy of meeting notes dated July 31, 2009, that listed the proposals stated by Village of Lake Zurich.

7. New Business - Trustee Stratman asked the status of various projects and

issues. Administrator Talbett provided updates and answered questions. He said they are working with a web master to make significant improvements to the Village web site. He announced the Lake County Municipal League Golf Outing on September 9 and suggested Board members consider attending.

President Black said she attended the Mayor's Caucus and provided a brief update.

Trustee Stavropoulos said she would like to have more resident workshops and volunteered to plan one.

8. Public Comment - None

9. Executive Session

Motion made by Tarabein, seconded by Sokolowski, to adjourn the open session of the Regular Board meeting and adjourn to Executive Session at 10:27 p.m. to discuss personnel (employment matter regarding an employee).

Upon roll call:

YES: 6 Johnson, Libertore, Sokolowski, Stavropoulos, Tarabein, and Stratman

NO: 0

Absent:0

10. Adjournment

Motion to adjourn the meeting by Libertore, seconded by Sokolowski.

The meeting adjourned at 11:50 p.m.

Respectfully submitted: Janet McKay

Approved by: \_\_\_\_\_  
President Nandia Black