



**THE VILLAGE OF HAWTHORN WOODS
SPECIAL VILLAGE BOARD MEETING
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS
THURSDAY, FEBRUARY 2, 2012
7:30 P.M.**

MINUTES

I. CALL TO ORDER AND ROLL CALL

Mayor Mancino called the meeting to order at 7:35 p.m. Roll call indicated the following members were present: Mayor Mancino, Trustees Riess, Morgan, Corrigan, DiMaggio, and David. Absent was Trustee Ponzio.

Also present were Chief Operating Officer Pamela Newton, Chief Administrative Officer and Village Clerk Donna Lobaito, Management Analyst David Fitzgerald, and Special Counsel Daniel Shapiro.

II. PLEDGE OF ALLEGIANCE

After the Pledge of Allegiance, Mayor Mancino asked for a motion to remove item A under New Business from the agenda.

Motion by DiMaggio, second by Riess to remove item A under New Business from the agenda.

Roll call vote.

Ayes: Riess, Morgan, Corrigan, DiMaggio, David

Nays: None

Absent: Ponzio

Abstain: None

Motion carried.

III. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mayor Mancino invited anyone in the audience who wanted to address the Board on any item not on tonight's agenda to do so at this time. There were no comments from the public.

IV. NEW BUSINESS

Approval of a Resolution Opposing the Request to Lake County from the Applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, Trustees, Who Request a Rezoning of the 108.79 Acres from Estate to General Commercial District. Subject Property is Located at the Southeast

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Corner of U.S. Route 12 and Old McHenry Road. The Resolution Also Opposes the Request for a Conditional Use Permit for a Planned Unit Development (non-residential), and Opposes the Application for Modification to Extend Time Period for Preliminary Plan for Certain Parcels Commonly Known as the Dimucci Property, Located at 25442, 25575, 25275, 25479, and 26475 N. Old McHenry Road and 25255 and 25435 N. U.S. Highway 12, PINs 14-05-300-008, 14-06-200-017, 14-06-400-004, 14-06-400-010, 14-06-400-011, 14-06-400-003, 14-06-400-009, respectively

Mayor Mancino provided an overview of the events leading up to tonight's meeting. He commented that he has had communications with the Board members and he has spoken to many residents since notices were sent last Thursday regarding the Dimucci family's request to rezone their property at the southeast corner of Rt. 12 and Old McHenry Road. He said the Village was informed of this request by a form letter sent by the County, and addressed to the former Mayor and Village Clerk.

Mayor Mancino outlined the history of this particular property dating back to the mid-90's when the Taubman company proposed the development of a regional mall. This proposal eventually forced both North Barrington and Hawthorn Woods into border agreement negotiations and revenue sharing agreements after lengthy and expensive litigation. During this time a grass roots effort arose, which was helpful and successful in fighting the proposed plan.

In 1999, the litigation resulted in an intergovernmental agreement being signed between Hawthorn Woods and North Barrington, and such agreement is still in place today. This agreement contemplates both residential and commercial on the subject property. At that time, the County wanted the two communities to solve their disputes. Mayor Mancino also explained that in the early 2000's, the previous administration secured rights to serve the Dimucci parcel with water and sewer, which right we still retain to this day.

Mayor Mancino commented that the details of this property can be confusing, and he has already heard rumors, which only hinder the process. He asked that people trust their Village Board and staff, and that we will continue to communicate with the residents on this matter.

Mayor Mancino stated that he and staff worked over the weekend securing a team of professional consultants to fight this application. He noted that the proposal today is dissimilar in many regards from the IGA signed in 1999, and amended in 2003. Today's proposal calls for both square footage and maximum building height double of what was agreed upon in the IGA between the Villages.

Mayor Mancino stated the resolution being considered tonight objects to the plan that will be heard before the Lake County Regional Planning Commission for several reasons:

1. The rezoning request from Estate to General Commercial does not fit in with the character of the communities and subdivisions surrounding the Dimucci property.

2. The application is for a Conditional Use Permit for a Preliminary Planned Unit Development, however, there is no plan to be considered at this time.
3. The application calls for a modification in the time limit for a preliminary plan to be considered, which is in conflict with the County's own Unified Development Ordinance and what is generally acceptable, that being no more than two years. It would be unprecedented for the County to allow for this to occur.

Mayor Mancino noted that the Village is taking immediate action. He commented on the efforts to date since receiving the notice last Thursday:

1. Mayor Mancino, staff and legal counsel met with North Barrington to discuss the issue. Both communities are in lockstep with a response to this request. He noted that representatives from North Barrington were present at tonight's meeting.
2. The Village of Hawthorn Woods has retained special counsel for this process. He noted that litigation is being contemplated, but that would not be our first option.
3. The Village met and hired a civic land planner who is very well respected in the Chicagoland area. He is a former employee of Lake County and will be present at Monday's meeting to object to the application.
4. Legislative efforts have already begun with the lobbying of County Board members.

Mayor Mancino noted that staff is working around the clock addressing this front burner issue. Mayor Mancino stated that he knows many people tonight object to this application and he asked that they listen to the deliberations this evening by the Village Board. He said the Board would listen to anyone who wanted to speak tonight, but suggested their comments would be best served Monday afternoon during the Regional Planning Commission meeting. He also recognized the resurgence of the grass roots effort and commented that it would be important that their efforts go in lockstep with the Village and its consultants.

Mayor Mancino stated the Village seeks common sense and respect through this process, and requests the County respect the IGA between Hawthorn Woods and North Barrington. He noted that handouts are available tonight with contact information to certain County staff members and County Board members. He encouraged people to not remain silent, but to contact the people who will be deciding this issue. Mayor Mancino also outlined the steps this application will take after it is heard before the Regional Planning Commission.

Mayor Mancino asked Village Clerk Lobaito to read the resolution into the record, to which she did.

Motion by Riess, second by DiMaggio to Approve a Resolution Opposing the Request to Lake County from the Applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, Trustees, Who Request a Rezoning of the 108.79 Acres from Estate to General Commercial District. Subject

Property is Located at the Southeast Corner of U.S. Route 12 and Old McHenry Road. The Resolution Also Opposes the Request for a Conditional Use Permit for a Planned Unit Development (non-residential), and Opposes the Application for Modification to Extend Time Period for Preliminary Plan for Certain Parcels Commonly Known as the Dimucci Property, Located at 25442, 25575, 25275, 25479, and 26475 N. Old McHenry Road and 25255 and 25435 N. U.S. Highway 12, PINs 14-05-300-008, 14-06-200-017, 14-06-400-004, 14-06-400-010, 14-06-400-011, 14-06-400-003, 14-06-400-009, respectively.

Discussion ensued by the Village Board. Trustee DiMaggio asked Mr. Shapiro if he had ever seen carte blanche being granted to a PUD without plans. Mr. Shapiro stated no. Mr. DiMaggio asked if there were any case law or precedence to prohibit such action. Mr. Shapiro stated the application has to satisfy certain standards governed by the state statutes. If these standards are not met, then the application fails. He noted that he has a lot of concern with the application.

Before opening the floor to the public, Mayor Mancino stated that the Board would attempt to answer questions to the best of their ability, but noted that there may be some questions that the Board will not be able to respond to tonight because of developing strategies.

Mayor Mancino first introduced **Mr. Bill Braithwaite, North Barrington's Village Attorney.** Mr. Braithwaite commented that President Pino was out of town, but wanted him to reiterate to Hawthorn Woods that the two Village's stand together in this matter to oppose the application. He stated that the people needed to be put first before money. He also stated that North Barrington is one of seven original communities in BACOG who has a long history in fighting land use matters.

Kathleen Leitner, President of Tower Lakes, commented that Tower Lakes and BACOG support Hawthorn Woods' efforts and that she was here tonight to hear from us and to understand what we understand. She is prepared to speak Monday afternoon and voiced her support and willingness to help.

David Lindquist, 1 Lydia Court, Hawthorn Woods – Mr. Lindquist identified himself as a member of the Hawthorn Woods' Planning, Building and Zoning Commission. He commented on the floor area ratio and estimates the total square footage could be around 1.35 million square feet. He said he appreciates the support from other Villages, but did not see Lake Zurich being represented here this evening. He commented on the sewer agreement between Lake Zurich and Dimucci, and the fact that consent is still needed from Hawthorn Woods to service this parcel. He also noted that it was interesting to see in this agreement that it contemplates litigation with Hawthorn Woods to obtain sewer from us.

Mayor Mancino read excerpts from the Lake Zurich/Dimucci agreement reiterating the comments by Mr. Lindquist about consent still being needed from Hawthorn Woods. Mr. Lindquist also commented on a traffic study from the Taubman days which projected an

increase of traffic on Old McHenry Road to 22,000 cars each way. He said that he has heard that this is our current traffic load. He noted that malls are located at major highways, and that he would not consider Old McHenry to be a major highway.

Jeff Sabitt, 2 Fox Hunt Trail, Hawthorn Woods – Mr. Sabitt questioned the sewer agreement because he thought the Village was to supply sewer and water to this property. Mayor Mancino stated we have the capacity to serve this parcel and that the Village is not going to give it up. Mr. Sabitt encouraged those present tonight to attend Monday's meeting.

Mayor Mancino stated residents could obtain up to date information on the Village's website.

Diane Benz, 24310 W. Rose, Lake Zurich – Ms. Benz stated she has created a Facebook page for this issue and asked for assistance in maintaining. She also noted the "for sale" sign at the former Bub's Pub and Grub is down. She stated that A.C.R.E. is up and running again, and suggested that the Village let them be the bad guys. She said there is no HOA in Valentine Manor, but they would be well represented Monday afternoon. She said that 16 years ago, they found experts to testify to crime and traffic concerns, but now this information is readily available on the internet. She stated that comments in the newspaper by Steve Mountsier and the actions by Lake Zurich were shameless.

Mayor Mancino stated he wanted to clarify that a mall is not being proposed at this time. It is a PUD without plans which is a bigger problem.

Matt Lasusa, 68 Timer Lake Drive, North Barrington – Mr. Lasusa stated he has lived in his home 20 years and was involved in opposing the mall 16 years ago. He said he was very happy to hear of both Hawthorn Woods and North Barrington being in lockstep with opposing the rezoning request. He noted the IGA between the two communities provided for both residential and commercial to be built upon this land, and he wanted people to understand that they cannot be surprised if the resolution to this includes some component of commercial. He encouraged everyone present to involve their neighbors in the fight.

Mayor Mancino commented on the spins that have been placed in the application, such as the appearance of a bridge over a lake near Bixtone Path in Hawthorn Woods, which really represents access off Old McHenry Road. He also noted the open space may actually contain thousands of parking spaces.

Craig Taylor, Lake County Board District 19 Representative – Mr. Taylor stated he was not prepared to comment on the application tonight, because he learned of the plans the same time everybody else did. He outlined the process the application will go through before the County. He wanted to dispel the thought that the County Board had taken action, and stated that they had not. He said the County Board will want to hear

constituent concerns. He commended the Village of Hawthorn Woods for their work on this matter thus far, and stated he would be at future meetings.

Mayor Mancino asked Mr. Taylor to make sure the County mails future mailings to the appropriate people at Hawthorn Woods. He thanked Mr. Taylor for attending tonight and noted he was the only County Board member who accepted his invitation to be present this evening.

John Malcolm, 6 Lancelot, Hawthorn Woods – Mr. Malcolm complimented the Village Board and staff for their efforts. He stated he has been a resident for 22 years and has never seen a better Board or staff. He said the action by the Village in such a short time is commendable.

Greg Gehrke, 54 Gentry, Hawthorn Woods - Mr. Gehrke identified himself as the President of Copperfield subdivision. He commended the Village on the good job they had done thus far in such a short period of time. Furthermore, he said it was incredulous that the County would hold a meeting at 3:00 p.m. on a Monday afternoon when most people would be working. Mr. Gehrke stated that about four years ago there was a plan before the County's Zoning Board for eight units per parcel on this property and that the Village had stopped this plan. Mr. Gehrke also commented on the berm that was constructed on the south end of the Dimucci property from the road grindings of the Rt. 22 bypass. He said that at the time, the Village objected to the construction of the berm and asked the County to inspect the materials. He said that the County conducted a cursory inspection only, and that junk had been dumped in this area. He questioned the tile work that appears to be occurring on the Dimucci property.

Mr. Gehrke suggested the Village look at Google maps and wetland delineation reports. Mayor Mancino stated that the Village Engineer is already looking into these. Mr. Gehrke once again stated the Village is doing a great job in responding thus far.

Tom Marciciak, 204 Mooregate Trail, Hawthorn Woods – Mr. Marciciak stated that he spoke to the people who were installing the drain tiles asking them where all the water was going to go. They responded it would go towards the berm.

Trustee Riess said he spoke to the people installing the drain tile as well and was told the drain tile was to help increase agriculture production on the property. Mayor Mancino noted that our Public Works had conversations with the same individuals.

Ms. Newton said that Jim Kirby, representative of Mr. Dimucci, called her about the rezoning application and that she was ashamed that the County Administrator had not called her as a professional courtesy. She noted Village staff has been monitoring the County's website looking at agendas before the County Board and the Planning, Building and Zoning Commission for quite some time. She indicated it was unusual for this application to be brought before the Regional Planning Commission. She said she has been researching the County's UDO and framework plans, and noted that the County's General Commercial zoning district would allow for certain permitted uses such as

animal hospitals, used boat lots, and RV storage to name a few. Staff is currently comparing the permitted uses in the General Commercial zoning of the County to that of the permitted uses in the Hawthorn Woods/North Barrington IGA. She noted that the Dimucci application is nothing more than blind zoning. She reported that the County first received the application from Dimucci on September 20, 2010 and we were notified via a form letter last Thursday. She said it was amended as little as two weeks ago.

Ms. Newton asked Mr. Taylor to find out why the County Administration did not share this information with the County Board.

Mayor Mancino noted that he has spoken to Mr. Dimucci many times and has invited him to develop this land in our Village, but Mr. Dimucci has stated each time that he is not interested in developing in either Hawthorn Woods or North Barrington because of the history with both communities.

Mayor Mancino noted that he is not anti-development and realized the Dimucci family is trying to maximize the use of their property. He noted he is a firm believer in property rights, but he is opposed to the process of blind zoning.

Sue Swanson, 55 Lake Shore Drive, Barrington – Ms. Swanson asked if North Barrington was going to help in this process. Mayor Mancino responded yes, and that he had already met with North Barrington officials to discuss strategy, cost sharing and shared resources.

Joe Esser, 2 Pheasant Run, Hawthorn Woods – Mr. Esser suggested that there may be development at Routes 12 and 120, which could be a reason why there is a rezoning request on the Dimucci parcel now. He questioned how much commercial development the area can support with all the vacancies. He commented that the property is surrounded by residential and did not see how the rezoned property could fit into the area. Mr. Esser stated trust in government is needed, and that some people did their due diligence when they purchased their land adjacent to the Dimucci parcel and found that it was zoned residential.

Mayor Mancino noted that over time, things do change, but that Hawthorn Woods will not be boxed out of the process. Mr. Esser commented that many years ago, he knew that the Wauconda Police Chief at that time was approached about providing police service to this parcel if developed commercially. Mayor Mancino noted that due to our close proximity, most police calls will be handled by the Hawthorn Woods police department and that as such, we will feel the impact.

There being no other audience comments, Mayor Mancino asked for a motion to enter into Executive Session for the purposes of discussions on possible or pending litigation and personnel.

V. EXECUTIVE SESSION

Motion by David, second by DiMaggio to enter into Executive Session for the purposes of discussing possible or pending litigation and personnel matters.

Roll call vote.

Ayes: Riess, Morgan, Corrigan, DiMaggio, David
Nays: None
Absent: Ponzio
Abstain: None
Motion carried.

Mayor Mancino stated no further business would be conducted after Executive Session.

Motion by Riess, second by DiMaggio to adjourn the special Village Board meeting.

VI. ADJOURNMENT

The Village Board returned to open session at 10:55 p.m.

Motion by Riess, second by Morgan to adjourn the meeting.

Voice vote.

Ayes: 5
Nays: 0
Motion carried.

The special meeting adjourned at 10:56 p.m.

Respectfully submitted,

Donna Lobaito by Sandy Hansen
Donna Lobaito Deputy Village Clerk
Village Clerk