

**MINUTES FOR THE SPECIAL MEETING
OF THE CORPORATE AUTHORITIES OF THE
VILLAGE OF CAMPTON HILLS**

May 31, 2018

7:00 P.M.

**CAMPTON TOWNSHIP COMMUNITY CENTER
5N082 OLD LAFOX ROAD
Campton Hills, IL**

1. **CALL TO ORDER** - President Blecker called the meeting to order at 7:06 p.m.
2. **ROLL CALL** - Clerk Quail called the Roll:

Present

Trustee Laura Andersen*

Trustee Susan George

Trustee Nick Girka

Trustee Mike Millette**

Trustee Michael O'Dwyer

Trustee Mike Tyrrell

President Harry Blecker

Absent

None

Also Present

Administrator Ron Searl

Village Attorney Stewart Diamond

**via telephone*

***arrived 8:03 p.m.*

3. **PLEDGE OF ALLEGIANCE** - President Blecker led all those present in the Pledge of Allegiance.

MOTION TO ALLOW TRUSTEE LAURA ANDERSEN TO JOIN THE MEETING VIA TELEPHONE CONFERENCE, made by Trustee O'Dwyer; and seconded by Trustee George.

Voice Vote: [AYES: 5] NAYES: 0] [ABSENT: 0] Motion **CARRIED**

President Blecker asked Trustee Andersen to state the reason which necessitated participation via telephone conference. Trustee Andersen said that she was out of town for business reasons.

President Blecker suggested that Attorney Diamond provide an overview of the facts relating to the Ponds of Stony Creek Development, prior to Public Comments. The Board agreed.

Attorney Diamond proceeded to explain that information is being provided in this meeting, in an open forum, in order to allow the members of the public to express their opinions on the current dispute among Lennar (the developer of the Ponds of Stony Creek), the City of Elgin and the Village of Campton Hills. He said that, during the course of construction, the City of Elgin presumed ownership of roughly 1,000 feet of McDonald Road, for which it had jurisdiction prior

to the incorporation of Campton Hills. The City of Elgin since learned from Kane County that the 1,000 feet in question is, in fact, within the boundaries of Campton Hills. Since Lennar has expressed its intent to proceed with the development, with or without access to that portion of McDonald Road, Attorney Diamond explained the choices that the Board will face in resolving the matter:

- If Campton Hills will not allow construction on the 1,000 feet of roadway, then Lennar will ask the City of Elgin to modify the plat of subdivision which was previously granted; and change it so that both entrance roads to the Ponds of Stony Creek are on portions of McDonald Road which are unquestionably under the jurisdiction of the City of Elgin. Attorney Diamond explained that such a process would require public hearing, for which the City of Elgin has expressed its intent to expedite and potentially accomplish within a 60-day timeframe. He said the Attorney for the City of Elgin has no doubt that the approval of design change would be granted, and that if the Village of Campton Hills does not grant access or agree to transfer the roadway to the City of Elgin, it would not impede Lennar's ability to proceed with the development.
- Attorney Diamond also explained that Lennar is proposing the construction of left turn lanes as identified in their plan, which would be beneficial to the residents of Campton Hills; and in addition, the City of Elgin would take on the expense of maintaining the roads ever after, assuming that the Village of Campton Hills will transfer ownership of the 1,000 feet on McDonald Road. He noted that the Village of Campton Hills would need clarification on the entrances and exits since there would potentially be a period of time when residents who live along that part of the road would not have normal access to their own property. He also stated that if the Village transferred ownership, then it would be relieved of liability as well as all costs associated with maintenance. However, if the Village does not agree to transfer ownership, then Lennar will not perform the proposed work in the plan for the turn lane. Attorney Diamond asked the Board to consider what benefit there would be in owning a segment of 1,000 feet which it would have an obligation to maintain. He added that the Village would have no standing nor chance of success in challenging this development, whether it retains or transfers the segment of roadway. Attorney Diamond recommended, based on decades of experience, that the 1,000 feet presents a liability too great for the Village. He suggested that the Village of Campton Hills could enter into an intergovernmental agreement with the City of Elgin to transfer ownership of the roadway; but that if the Village did not want to proceed with an agreement, that Lennar would proceed with their alternate plan to change the entrances.
- Trustee O'Dwyer asked how much work Lennar and/or Elgin was willing to do on the roadway, particularly to straighten out the curve, which remains a problem. He said that transferring the ownership of the road does not solve the problem of the curve; and that the Village should ask Lennar how the curve will be addressed. President Blecker said that no offer was made to fix the curve.

- Trustees Girka and George concurred with Trustee O'Dwyer on the dangers of the curve in the roadway, and agreed that efforts should be made to negotiate to fix the curve, which would be beneficial to both communities.
- Trustee Tyrrell emphasized that the top priority is safety. He added that the Village works well with Campton Township to maintain the roads; and that if the roadway is not transferred to Elgin, then the Village does not increase its risk. He explained that the matter is not just about 1,000 feet of isolated roadway, since the Village also maintains other parts of McDonald Road. He suggested three final points:
 1. A three-way stop sign be installed at Phar Lap and McDonald, where any excess traffic from the Ponds of Stony Creek would have to abide;
 2. Giving up control of the western half of the segment of roadway would be a negligible savings to the Village because the Village would have to repair and maintain other parts of the roadway; and
 3. From a safety perspective, there is no advantage in giving up control of the 1,000 feet; and that there is benefit in taking a closer look at the engineering review.
- President Blecker expressed concern about keeping the responsibility for maintaining a roadway which will be very heavily travelled.
- Attorney Diamond asked what advantage or gain the Board sees if it allows Lennar/Elgin to improve the roadway, in the case of the Village retaining ownership of it.
- Trustee Andersen asked if the question of legality has been addressed as far as how far the two separate entrances need to be away from each other. Attorney Diamond said that because the City of Elgin is a home rule community, it has the ability to make modifications as it wishes. Trustee Millette concurred with Attorney Diamond's remarks; and Trustee Millette added that there appears to be a storm water problem which would involve the County, which is a potential negotiation point, since a re-evaluation of the drainage would be burdensome on time and expense for the developer.

4. PUBLIC COMMENTS

Ken Schneider stated that he has lived in the Arlington Estates neighborhood for 27 years and is very familiar with area, having seen many changes over the years which have been both positive and negative. He emphasized the importance of accountability, and said that the Village should deny Elgin that portion of McDonald Road. He stated that he favors the idea of the three-way stop at Phar Lap and McDonald.

Joe Marinacci stated that he believes it is worth fighting for fixing the curve in McDonald Road, which is a matter of safety for the community.

Chris Tiedt expressed his appreciation for the opportunity to hear the Board's discussion. He said that the Board needs to collect more facts on the entrances before a decision is made. He added that the City of Elgin has not historically maintained the roads very well; but he stated his support for fixing the curve in the road.

Mary Fredrick stated that she agreed with Trustee Millette's remarks regarding the re-engineering for the storm water, and that she does not see any value in transferring ownership of the road to Elgin, apart from the road maintenance.

Josh Nelson identified himself as an open space ecologist, and spoke about the negative impact the Ponds of Stony Creek construction and development has on Corron Farm, its endangered species and the restoration of natural areas and wetlands.

Aubrey Neville explained that the speed limit is 45 mph except when the road dips and turns, where it is 35 mph. He thanked the board for its discussion and the opportunity to comment. He stated his support for the Board to consider its options carefully.

Greg Gorlich told the Board not to be in a hurry for a bad deal, and not to settle on a decision that could have negative consequences.

Macy Langston reiterated earlier points that the Village could derive leverage in negotiation because a small change in the construction plans would translate into great expense for the developer.

Christine Brauer thanked the Board for allowing public comments and stated that she has not found Elgin to be a good neighbor; and encouraged the Board to be strong in its position.

5. DISCUSSION ITEMS

A. PONDS OF STONY CREEK

- Attorney Diamond agreed that the storm water issue would provide the Village with an avenue to re-open negotiation. He said it is possible that the developer could start looking into it and see that this is a bigger project than they thought, and therefore be possibly open to negotiation. He added that the outcome of such a scenario would be difficult to predict. He said that if Elgin proceeds, they could begin construction as early as June 5th. Trustee Millette clarified that if Lennar cannot build a road that does not match the plat and that if any changes are made, detention ponds would first need to be dug because the drainage superstructure needs to be completed first.
- Trustee Millette reiterated for clarification that the discussion and negotiation with Lennar and Elgin will involve a demand for the curve to be fixed, as well as the addition of two left turn lanes on Phar Lap.

- Attorney Diamond noted that the engineers from both the City of Elgin and the Village of Campton Hills would be present, along with their respective lawyers and administrators. Trustee Millette confirmed that he would be present to provide his technical input as an engineer.

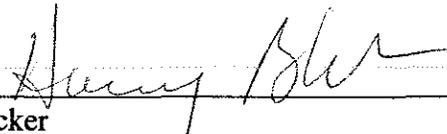
6. **CLOSED SESSION** - No Closed Session was held.

7. **ADJOURNMENT - MOTION TO ADJOURN THE MEETING**, made by Trustee Tyrrell; and seconded by Trustee George.

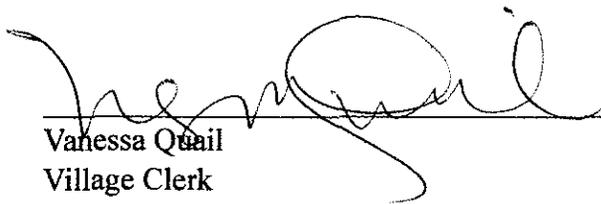
Voice Vote: [AYES: 6] NAYES: 0] [ABSENT: 0] Motion **CARRIED**

President Blecker adjourned the meeting at 9:29 p.m.

Approved this 16th day of April, 2019



Harry Blecker
Village President



Vanessa Quail
Village Clerk