

PUBLIC HEARING  
MINUTES

OCTOBER 6, 2003

) The public hearing was called to order at 7:00 p.m. In attendance were President Pickett, Trustees Ander and Grom, Finance Director Volkening, Village Attorney Schuster, Clerk Olson and members of the public.

The purpose of the public hearing was to consider vacating two out lots owned by the Village and offering the out lots for sale; one located on Hilltop Lane and one located on Beau Brummel. President Pickett briefly explained the background that brought the Village to this evening's public hearing. The two out lots were originally dedicated to the Village as road connections and are no longer necessary. The adjoining property owners to these parcels were present: Jay Landgraf (140 Hilltop), Sandra McDonald (138 Hilltop), and Mr. and Mrs. Richard Sajter (1012 Beau Brummel). Mr. and Mrs. Matt Mayer (1014 Beau Brummel) were not present but have previously expressed interest in purchasing the out lot to which they are adjacent. On questions from these residents, it was explained that the deeds to these parcels would be researched, the parcels would be appraised, and then vacated by the Village, and the lots offered for sale to the adjoining owners. The adjoining owners have indicated a willingness to split the parcel in half for sale purposes. The Village would anticipate having this process complete by the end of the year. A public easement along the back would be requested on these parcels to allow any connections with adjoining easements. It was noted that there is some type of light pole on the southeast corner of the Beau Brummel lot that should be checked. The parcels would have the same subdivision or other restrictions as the adjacent owners' current properties.

The public hearing was closed at 7:15 p.m.

) Respectfully submitted,



Norine Olson  
Village Clerk

)The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. In attendance were President Pickett, Trustees Ander, Finney, Getz, Grom, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer, and Clerk Olson.

President Pickett explained the rules for speaking under the public comments section.

MINUTES:

1. WIND MOVED WITH A SECOND FROM ANDER TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 15, 2003. The minutes should be changed on page 1, under Zoning Commission, second sentence: "...the concept of a PUD planner should be further considered." Also, on page 2 under Water, the bill was "monthly," not "annual." MOTION PASSED.

PRESIDENT:

1. President Pickett thanked the Service Club for sharing their recent resident survey with the Board.
  2. We have received notice from the IEPA of a request for a Clean Air Act permit from a company located on the border of Elgin and Bartlett. The notice will be placed in the lobby.
  3. Our trash haulers said that trash pick up will resume on Tuesday. The police have asked the block captains to notify residents on their block.
- (Trustee Getz arrives)

CLERK:

1. Comcast has submitted permit request numbers 015, 017, 018, and 019. WIND MOVED WITH A SECOND FROM ANDER THAT WE GRANT THE COMCAST PERMIT REQUESTS CONTINGENT ON CONFIRMATION THAT ALL ARE LOCATED ON VILLAGE PROPERTY AND THAT ALL RESIDENTS HAVE BEEN NOTIFIED OF THESE PERMIT REQUESTS. The Board questioned whether one of the permit requests was on Village property and for the benefit of Village residents and how deep the cables are buried. MOTION PASSED. (Trustee Ziemba arrives)
2. ANDER MOVED WITH A SECOND FROM ZIEMBA TO APPROVE THE SALE OF CHRISTMAS TREES AT RANDY'S BY HAFEMAN'S EVERGREENS STARTING NOVEMBER 26<sup>TH</sup> TO DECEMBER 23, 2003. MOTION PASSED.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

1. Chairman Art Neil said several proposed zoning text amendments were reviewed at the Commission's meeting on September 29<sup>th</sup> and the proposed development on Route 72 west of Locust was discussed. Zoning text changes for signage were all approved. Restaurants were approved, but there was a split on permitting 24 hour/drive-through restaurants. A public hearing on all matters will be scheduled for late October or early November.
2. Chairman Neil contacted other land planners concerning a PUD plan. One individual gave a rough estimate of \$10-12,000. Another individual suggested having the developer pay the fees for developing a PUD plan. The Village had a PUD ordinance many years ago that was removed at the suggestion of a land planner hired by the Village several years ago and is most likely too outdated to use at this time.

ZBA:

No report.

ATTORNEY:

1. The status of the Pulte and Mercedes suits will be discussed in executive session.
2. A memo concerning the recent complaint filed with the State's Attorney's office will be e-mailed to all board members.
3. Mr. Schuster is updating the building and residential code ordinances at the request of the Village zoning enforcement officer and will be presented to the board in the near future.
4. A board member questioned a charge from the attorney concerning storage of boats, RVs, etc.

ENGINEER:

1. Jelke's Creek bridge repair project. The Army Corps has required that the stone be rearranged and large concrete chunks buried. The contractor will be asked to do this work; if not, our engineers will bury the concrete. There will probably be an additional charge for this work. The bank restoration is supposed to be native grass, but looks patchy at this time. The restoration work must "take" before the contractor will be paid.
2. There will be no crack sealing work done this year.

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GROM TO APPROVE THE ACCOUNTS PAYABLE OF OCTOBER 6, 2003 IN THE AMOUNT OF \$127,019.59. We are painting the road at the intersection of Sleepy Hollow Road and Route 72 since there was no concrete "pork chop" installed during the recent road work by Pulte. There will be follow up on this issue. AYE: ZIEMBA, GROM, ANDER, FINNEY, GETZ, WIND. MOTION PASSED.
2. ZIEMBA MOVED WITH A SECOND FROM GETZ TO WRITE OFF INVOICE #1227 IN THE AMOUNT OF \$94.50. MOTION PASSED. This write off will be noted on this resident's (759 Sycamore) file.
3. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2003-24 ENTITLED "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE VILLAGE." The Board discussed selling the 1996 squad car which has no brakes and an estimate of \$1500 to repair. This squad is used as the "drone" car to deter speeders. It was suggested the police dept. obtain additional quotes for this repair work. ZIEMBA MOVED WITH A SECOND FROM GETZ TO REMOVE THE 1996 FORD CROWN VICTORIA FROM ORDINANCE 2003-24.  
ON AMENDMENT: MOTION PASSED.  
ON MAIN MOTION: ZIEMBA, GETZ, ANDER, FINNEY, GROM, WIND. MOTION PASSED.
4. There is a proposed federal legislation called the Internet Tax Non-Discrimination Act. If passed, the Village could lose substantial sums collected from utility taxes as this accounts for approximately 19% of the Village's annual revenue. We should send objections to local representatives. ANDER MOVED WITH A SECOND FROM ZIEMBA TO SEND A LETTER TO OUR SENATORS AND REPRESENTATIVES. MOTION PASSED.
5. The Village Hall floors will be stripped and waxed later this month.

COMMENTS FROM THE PUBLIC:

1. George J. Gemberling of River Ridge Drive asked that the drone car program remain active as residents feel it is a strong deterrent to speeding. He will bring this up at the Service Club meeting to see if help is available through funds or auto mechanic assistance.
2. Mr. and Mrs. Matt Mayer of Beau Brummel asked about the hearing on the out lots and President Pickett advised them of the status.

PARKS, ROADS & STREETS:

No report.

FINANCE:

1. Trustee Ziembra stated that our current financial statements are in line. It was noted that police overtime has been reduced substantially from last year, which can be attributed in part to the hiring of additional officers this year.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

1. GROM MOVED WITH A SECOND FROM GETZ TO ACCEPT WITH REGRET THE RESIGNATION OF ALEJANDRO CRUZ EFFECTIVE SEPTEMBER 19, 2003. MOTION PASSED.
2. GROM MOVED WITH A SECOND FROM GETZ TO ACCEPT WITH REGRET THE RESIGNATION OF JOHN FOSTER EFFECTIVE SEPTEMBER 23, 2002. MOTION PASSED.
3. GROM MOVED WITH A SECOND FROM GETZ TO CHANGE THE EMPLOYMENT STATUS OF JUSTIN YOUNG TO FULL TIME EFFECTIVE OCTOBER 6, 2003 AT AN ANNUAL SALARY OF \$31,158 WITH FULL BENEFITS. MOTION PASSED.
4. GROM MOVED WITH A SECOND FROM GETZ TO APPROVE THE HIRING OF MICHAEL R. QUIROZ AS A PART TIME OFFICER AT THE RATE OF \$10 PER HOUR EFFECTIVE OCTOBER 6, 2003. MOTION PASSED.
5. GROM MOVED WITH A SECOND FROM GETZ TO APPROVE THE HIRING OF DAVID NELSON AS A PART TIME OFFICER AT THE RATE OF \$10 PER HOUR EFFECTIVE OCTOBER 6, 2003. MOTION PASSED.
6. There is a QuadCom meeting concerning replacement of the 911 system on October 8<sup>th</sup> at the Carpentersville Village Hall.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

1. Several large trees were removed from the vacant lot on Beau Brummel in anticipation of building on the lot. The Village has not yet received the building plans but they may require a variance application to the ZBA.

OLD BUSINESS:

1. The Board discussed establishing a system to notify the board of all upcoming meetings in the Village, and to circulate a very short summary of any meetings attended by Village officials. It was agreed that Terri in the front office should coordinate a monthly calendar to e-mail all board members, committee chairmen, and the village attorney and engineer that would contain all upcoming meetings. An updated calendar should be e-mailed with each change. Additionally, any Village board member or committee chairman that attend any meeting in their official capacity should then send a very short synopsis to everyone on the e-mail list. A possible Saturday or Sunday meeting outside of the Village Hall of the entire board and committee chairmen to "brainstorm" about the Village was discussed. The Village President will get more information on this meeting idea and report back to the Board.

2. The Village has not yet received any type of lease agreement from East Dundee concerning use of their jetter.
3. Green Communities. About 60 residents attended the final open house on October 2<sup>nd</sup>. The core planning team will meet again on October 28<sup>th</sup> at the Village Hall.
4. The Village Attorney submitted a memo concerning the proposed tree preservation ordinance. Trustee Ander cited several sources that he feels would make it easier to enforce this ordinance. It is the opinion of the Village Attorney that the Village could be challenged by residents and these restrictions may not be enforceable through state statutes. It was noted that those towns under home rule would have more authority to regulate items such as tree preservation.

NEW BUSINESS:

1. Trustee Ander noted that Elgin Community College is holding a day-long zoning and planning class on November 8<sup>th</sup> which he attended last year and found informative.

ANDER MOVED WITH A SECOND FROM GROM TO ADJOURN TO EXECUTIVE SESSION AT 9:30 P.M. FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION AND EXECUTIVE MINUTES PURSUANT TO §2(C)(11) AND 2(C)(21) OF THE OPEN MEETINGS ACT.

\*\*\*\*\*

The regular meeting resumed at 10:08 p.m.

ANDER MOVED WITH A SECOND ZIEMBA FROM TO ADJOURN THE MEETING AT 10:08 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson  
Village Clerk

EXECUTIVE MEETING MINUTES

Released  
5-3-04

OCTOBER 6, 2003

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:30 p.m. for the purpose of discussing pending litigation and executive minutes pursuant to §2(c)(11) and §2(c)(21) of the Open Meetings Act. In attendance were President Pickett; Trustees Ander, Getz, Grom, Finney, Wind, and Ziemba; Village Attorney Schuster; and Clerk Olson.

1. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE EXECUTIVE MEETING MINUTES OF SEPTEMBER 15, 2003. MOTION PASSED.

2. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE EXECUTIVE MEETING MINUTES OF AUGUST 4, 2003. MOTION PASSED.

3. Pulte v. Village of Sleepy Hollow. As part of the settlement negotiations, Pulte is willing to release the Village from all claims, but also requires the Village to release Pulte from all claims. This does not prevent residents from pursuing claims against Pulte, but the Village would not be able to intervene in any way. The Board is not willing to release Pulte from future claims arising from their development since it is not yet complete and it is unknown how the development could affect the creek. Attorney Schuster will modify the settlement language to allow the Village to pursue potential claims concerning the development.

West Dundee has ordered a survey of Sleepy Hollow Road in reference to our pending action on road ownership. Pulte is not involved in this aspect of the suit but we may request their assistance in settling this matter. The Village would prefer 15-20' to the west side, although West Dundee claims the Village has only 6'.

4. Village of Sleepy Hollow v. Mercedes Development. Service was obtained on the defendant and their attorney has offered a settlement of \$10,000.00 versus the Village invoice of \$11,111.23. This invoice does not include collection fees. The consensus of the Board was to accept the offer, and noted that this type of problem should be alleviated in the future with the new ordinance that requires a \$5,000 deposit for all zoning applications.

WIND MOVED WITH A SECOND FROM ZIEMBA TO ADJOURN THE EXECUTIVE SESSION AT 10:08 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,

*Norine Olson*

Norine Olson  
Village Clerk