

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 Heinz, and Clerk Olson.

MINUTES:

1. WIND MOVED WITH A SECOND FROM GROM TO APPROVE THE REGULAR MEETING MINUTES OF NOVEMBER 17, 2003. The minutes should be corrected on page 2, #2 at the top, Getz voted nay in the motion; and on page 2 under Finance, the meeting was on November 24th. MOTION PASSED.

PRESIDENT:

1. Comcast should be finished with their upgrades by the end of the week. They will be slightly revising their billing service fees.
2. Ralph Tileston resigned as Chairman of the Plan Commission due to work commitments.. President Pickett appointed Jim Hendricks as the new Chairman.
3. There is a new option on the Michalski property although the Village has not received an application yet. Construction of 17 homes is proposed in the new plan.

CLERK:

1. United Way has requested permission to use certain pictures from the Village website for their site. The clerk will obtain further information from the United Way representative before granting permission.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

1. Chairman Art Neil summarized the public hearing on 11/13/03 that was continued to 11/18/03 to discuss additional items. He distributed a short overview of the issues discussed at the hearings and the votes of the board. Full details will be presented at the next village meeting.
2. The Board is considering building height restrictions in residential areas, but feels more research on the issue is necessary before a height recommendation can be made to the trustees. (Trustee Getz arrives at 7:42 p.m.)
3. The PUD planner/ordinance issue will be brought back to the Board after the zoning issues are complete.

ZBA:

No report.

ATTORNEY:

1. ANDER MOVED WITH A SECOND FROM GETZ TO APPROVED RESOLUTION NO. 320 ENTITLED "A RESOLUTION APPROVING THE KANE COUNTY WEST UPPER FOX PLANNING AREA TRANSPORTATION IMPROVEMENT PLAN. This resolution has been modified to reference the Pleasure Driveway designation for south Sleepy Hollow Road and requests that the County comply with the restrictions of such designation. MOTION PASSED.
2. Mr. Schuster presented two ordinances and a resolution relating to the stormwater management regulations and the appointment of Sleepy Hollow as a certified community to manage the County regulations. Trustee Grom again expressed concern that the Village does not have the personnel to take on the duties of this position. President Pickett indicated that he is comfortable handling the administrative duties associated with this appointment. The Village Attorney will modify these documents for approval at the next board meeting.

3. The Village received a draft Jetter Services Agreement from East Dundee for use of their equipment. Our insurance company has requested changes to this agreement regarding liability issues. Mr. Schuster will discuss possible modifications to this Agreement with East Dundee.

4. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE ORDINANCE NO. 2003-29 ENTITLED "AN ORDINANCE VARYING THE SIDE YARD SET BACK REQUIREMENT OF THE R-1 RESIDENTIAL ZONING DISTRICT FOR THE PROPERTY LOCATED AT 835 HEMLOCK DRIVE IN THE VILLAGE." AYE: ANDER, WIND, FINNEY, GETZ, GROM. MOTION PASSED.

5. Mr. Schuster reviewed his memorandum concerning the Cook County class action suit with PrimeCo. regarding their pursuit of reimbursement fees paid by wireless providers to Illinois municipalities between 1998 and 2001. Any Village may opt out of the class action suit by 12/12/03. Most Kane County municipalities are not opting out. (Trustee Ziemba arrives at 8:20 p.m.) All municipalities in the class action are requested to contribute to the defense fund based on population. The Village has received approximately \$50,000 in fees paid by the cellular providers. ANDER MOVED WITH A SECOND FROM GETZ TO NOT OPT OUT OF THE PENDING CLASS ACTION CASE. MOTION PASSED.

ZIEMBA MOVED WITH A SECOND FROM ANDER TO CHANGE THE AGENDA TO HEAR THE TWO SPECIAL PRESENTATIONS. MOTION PASSED.

8:30 p.m. Edith Makra from Morton Arboretum spoke to the Board regarding the proposed tree conservation ordinance. She discussed the value of trees to both an individual residence and to the entire community and distributed documents describing the various benefits of trees. In response to concerns about infringing on personal property rights, she noted that the Village already has several ordinances that restrict those rights.

8:40 p.m. John Regan, attorney for the owners of the property adjacent to Homemakers, made an initial presentation for development of the property. He is also one of the property owners. The initial engineering has been reviewed by the Village engineers. Mr. Regan has asked that this property be re-zoned to B2, and that the B2 zoning allow restaurants. He presented a fiscal planning report stating that the property could generate approximately \$50,000 per year in sales tax revenue to the Village. Mr. Regan also distributed documents relating to the potential plan which includes two large stores and a strip mall with several smaller shops. A Steak 'n Shake is under contract, but only if the Village allows drive through facilities. Potential stores in the strip mall include a dry cleaners, manicure shop, and pizza shop. Mr. Regan indicated his willingness to construct a fence to separate the development from adjacent homeowners, if the Village wishes. Trustee Grom requested more details on the storm water and retention pond plans for the property and how the adjacent homeowners would be protected, as well as the elevations at the resident property lines, and Mr. Regan addressed these issues and will submit additional documentation. Mr. Regan and others will attend the December 15<sup>th</sup> meeting to make a more detailed presentation to the Board.

#### ENGINEER:

1. Engineer Heinz stated they have partially reviewed the preliminary engineering plans for Mr. Regan's proposal and they appear to be in order. He indicated that board members are welcome to view these plans at their offices.

2. The engineers have not yet heard back from the contractor on the bridge project. There is still work to complete. There is some question if the restoration plantings at the area will take and there was no erosion blanket for the plantings as required on the specs. The Village is holding a \$15,000 bond for this project and the Board discussed using these funds to complete the project if the contractor does not respond.

(Getz leaves meeting at 9:35 p.m.)

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE THE DECEMBER 15<sup>TH</sup> ACCOUNTS PAYABLE IN THE AMOUNT OF \$57,716.90. Trustee Grom requested 10% be held back from the Smith-Group payment until the contract is complete. ZIEMBA MOVED WITH A SECOND FROM GROM TO AMEND THE MOTION TO REDUCE THE ACCOUNTS PAYABLE TOTAL TO \$55,766.90. Trustee Grom asked about reimbursement for a physical of \$242 from a part-time officer who left after only two months. The Village does not have reimbursement agreements for these costs.

ON AMENDED MOTION: MOTION PASSED.

ON MAIN MOTION: AYE: ZIEMBA, ANDER, FINNEY, GROM, WIND. MOTION PASSED.

2. A former police officer that owes the Village for training costs has requested a payment plan of \$200/month until paid in full. ANDER MOVED WITH A SECOND FROM GROM TO APPROVE THE PAYMENT PLAN OF \$200 PER MONTH FOR ALEJANDRO CRUZ. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Todd Prigge of Hilltop Lane spoke in favor of the proposed tree conservation ordinance.

PARKS, ROADS & STREETS:

No report.

FINANCE:

1. Trustee Ziemba explained the 2003 tax levy of \$409,300. ZIEMBA MOVED WITH A SECOND FROM GROM TO APPROVE ORDINANCE NO. 2003-30 ENTITLED "TAX LEVY ORDINANCE". AYE: ZIEMBA, GROM, ANDER, FINNEY, WIND. MOTION PASSED.

2. The Finance Committee reviewed the six-month financial statements at their meeting. Village revenues are up about \$4,000, but expenses are also up about \$24,000. Employee health insurance premiums are expected to increase again substantially next year.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

1. GROM MOVED WITH A SECOND FROM ZIEMBA TO APPROVE THE HIRE OF CARLOS GONZALEZ AS A PART TIME POLICE OFFICER, EFFECTIVE DECEMBER 2, 2003 AT AN HOURLY RATE OF \$10.00. MOTION PASSED.

2. Trustee Grom, along with two officers, attended an animal health and welfare seminar hosted by the Kane County State's Attorney's office, where they obtained information regarding this topic.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

1. A Hazel Court residence has received three notices concerning a silt fence and Trustee Ander questioned the next step toward enforcement. President Pickett and Trustee Finney will discuss ordinance violation enforcement procedures with Mr. Kruse.

OLD BUSINESS:

1. The latest revisions to the proposed tree ordinance were reviewed by Mr. Ander. ANDER MOVED TO APPROVE ORDINANCE NO. 2003-31 ADOPTING THE TREE CONSERVATION REGULATIONS. Trustee Grom felt the ordinance should be modified regarding restrictions on Village and other publicly-owned property. This ordinance would control easement areas and public utilities should be advised of this ordinance when enacted. Trustee Grom also suggested modifications to Section 10-1-6 on the size of replacement trees, and more detail on the proposed environmental committee, issuance of permits, and appeals. Ms. Makra of Morton Arboretum discussed how other communities handle this matter. The Board discussed who will handle review and permit issuance issues, which could be a committee of resident volunteers, or possibly the building department. Trustee Ander withdrew his motion for ordinance approval. It was questioned if a non-home rule community can enact this type of ordinance. The ordinance will be further modified and presented at the next meeting.

NEW BUSINESS:

No report.

ANDER MOVED WITH A SECOND FROM ZIEMBA TO ADJOURN THE MEETING AT 10:45 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson  
Village Clerk