

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. ANDER MOVED WITH A SECOND FROM GROM TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 19, 2004. The January 19<sup>th</sup> minutes should be corrected on the top of page 1 to reflect that Trustee Ziemba was not present at the meeting, and on page 3, #3 under "Old Business", the motion for the tree ordinance did not pass as four trustees must approve the passage of any ordinance. MOTION PASSED.

#### PRESIDENT:

1. We received the resignation of Larry Schneider from the Plan Commission, which leaves the Board with only five of the nine required members. We are amending the village ordinance to reduce the required number from nine to seven, which is the same number required on the ZBA and Zoning Commission.
2. House Bill 3828 is an attempt to repeal the pollution fee/tax on municipalities. The annual fee to Sleepy Hollow is about \$2,000. We are in favor of a repeal of this tax.
3. We received a response to our letter to John Regan on his tree removal on the parcel on Route 72, and copies were given to all board members.
4. President Pickett attended a meeting on KDOT's 2030 transportation plan. The plan will most likely be presented to the Kane County Board this summer for approval.
5. School District 300 had a meeting recently and discussed the possibility of hiring outside sources for bus transportation. The final decision will be made this summer. Impact fees were also discussed.
6. President Pickett, Attorney Schuster, and Engineer Heinz met and discussed several on-going projects in the Village, including the Elm Court sewer work which could take place this month. They also discussed the Maple court water main replacement project, and the water supply assessment requirements, which our Public Works Dept. can probably handle.

#### CLERK:

1. A draft newsletter to will be submitted for review prior to the next board meeting. An article concerning the 911 system upgrades should be given to Quad Com for their comments.

#### PLAN COMMISSION:

There will be a Plan Commission meeting on February 9, 2004, if there is a quorum present.

#### ZONING COMMISSION:

1. Chairman Art Neil presented a \$10,000 written cost estimate for PUD preparation from a vendor; additional oral quotes were in the same price range. We hired Paul Bednar for substantially less and a meeting is scheduled for February 11<sup>th</sup> with Mr. Bednar.
2. There will be a public hearing on February 25<sup>th</sup> to review the petition for 24-hour, drive-through restaurant facilities for the parcel on Route 72.
3. The issue of building height restrictions in the Village is on hold until we determine the heights of current residences in the Village. We must also decide where the ground measurement should be taken before measurements can be taken throughout the Village. President Pickett will discuss this with the engineers and advise Mr. Neil.

#### ZBA:

1. Chairman Kedzior discussed File #239, 1205 Carol Crest, a non-conforming structure that requested a variance to the set back requirement and footprint size. The percentage over the ordinance maximum is under 1% and

the proposed addition meets all current zoning requirements. The public hearing was held January 22, 2004 and the ZBA recommended approval of the variance requests 4:1, conditioned on septic approval by Kane County. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE ZBA RECOMMENDATION TO APPROVE THE VARIANCE REQUEST AT 1205 CAROL CREST, SUBJECT TO APPROVAL OF THE SEPTIC BY KANE COUNTY. MOTION PASSED.

2. Chairman Kezdior also discussed File #245, 45 Katrina, a request to finish an attic into useable living space. Chairman Kedzior felt this could be considered a third floor addition to the house. However, the outside structure will not change, although a staircase will be installed and the attic heated. The Board discussed and again stressed that these issues must be addressed with further clarification and definition to our ordinances. At the January 22, 2004 public hearing, the ZBA recommended approval 4:1. WIND MOVED WITH A SECOND FROM ANDER TO APPROVE THE ZBA RECOMMENDATION TO APPROVE THE VARIANCE REQUEST TO AN ATTIC IMPROVEMENT AT 45 KATRINA LANE. MOTION PASSED.

3. The ZBA will hold a meeting on February 19<sup>th</sup> to review a revised ZBA application and other matters.

GROM MOVED WITH A SECOND FROM ZIEMBA TO AMEND THE AGENDA TO MOVE THE PERMIT REQUEST/CURB CUT ON SLEEPY HOLLOW ROAD TO BE HEARD NOW. MOTION PASSED.

The resident at 2010 Sleepy Hollow requested a curb cut to construct a new driveway. He currently lives on one lot but will be building a new home on the adjacent lot, which he also owns. The Pleasure Drive ordinance requires a 3/4 board approval. FINNEY MOVED WITH A SECOND FROM WIND TO APPROVE THE CURB CUT AT 2010 SLEEPY HOLLOW ROAD WITH THE CONDITION THAT THE NEW HOME CONSTRUCTION IS COMPLETE AND AN OCCUPANCY PERMIT ISSUED WITHIN 24 MONTHS, AND IF NOT, THEN ONE OF THE DRIVEWAYS WILL BE RESTORED BACK TO ITS NATURAL CONDITION AND THERE WILL BE ONLY ONE CURB CUT. MOTION PASSED UNANIMOUSLY.

#### ATTORNEY:

1. Mr. Schuster presented a memo concerning the Pleasure Drive restriction of no trucks and noted that of the 51 violations in the past year, only 3 resulted in "not guilty" verdicts in court.
2. Another memo was presented concerning hours of operation for commercial/retail businesses in the Village. If the Village limits hours of operation at some later date, it will change the hours for all retail business in the village, even if hours were different when a business first started in the Village.

#### ENGINEER:

1. The Engineer met with Art in Public Works regarding the Elm Court project, which should start soon and could be complete by the end of the month.
2. The Engineer has been meeting with Madden Construction regarding discrepancies on the Jelkes Creek bridge project.
3. Mr. Heinz recommended that the proposed driveway for 2010 Sleepy Hollow Road be staked out before constructing. This should be discussed with the Zoning Enforcement Officer as part of the permitting.

#### DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GROM TO APPROVE THE ACCOUNTS PAYABLE OF FEBRUARY 2, 2004 IN THE AMOUNT OF \$60,113.73. AYE: ZIEMBA, GROM, ANDER, FINNEY, GETZ, WIND. MOTION PASSED.
2. ANDER MOVED WITH A SECOND FROM ZIEMBA TO APPROVE ORDINANCE NO. 2004-4 ENTITLED "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE VILLAGE." This is to sell old computer systems that have been replaced in the Village Hall. AYE: ANDER, ZIEMBA, FINNEY, GETZ, GROM WIND. MOTION PASSED.

3. The budget packets have been distributed and should be completed and returned to finance by March 1<sup>st</sup>.

COMMENTS FROM THE PUBLIC:

1. Todd Prigge of Hilltop Lane spoke in favor of the tree preservation ordinance. He and his wife distributed flyers to residents over the weekend and obtained 58 resident signatures in favor of the ordinance.
2. Ed Cauwels, who lives on a wooded lot on Windcrest Court, spoke in favor of preserving the trees.
3. Edith Makra of The Morton Arboretum spoke about the benefits of a tree conservation ordinance and offered her assistance in an advisory capacity if the Village approves the ordinance.
4. Kathy Prigge of Hilltop Lane also spoke in favor of preserving the trees in Sleepy Hollow and to prevent developers from destroying trees when developing property.

PARKS, ROADS & STREETS:

1. There was a Dundee Township Park District meeting concerning Sleepy Hollow pool and certain repairs will be made in the spring to enable the pool to open this summer. A resident at the meeting gave the Board further details on the meeting. The pool's future after this year is unclear, but the Park District will consider other options.

FINANCE:

1. Review of the financial statements was deferred to the next meeting.
2. Finance is reviewing a possible increase in the Village's impact fees and will discuss this further at the next meeting.

WATER & SEWER:

1. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2004-5 ENTITLED "AN ORDINANCE AMENDING THE VILLAGE CODE, SECTION 6-3-9B.1, TITLE-VILLAGE WATER AND SEWER OF THE VILLAGE OF SLEEPY HOLLOW, KANE COUNTY, ILLINOIS. AYE: ZIEMBA, GETZ, ANDER, FINNEY, GROM, WIND. This new rate passes on the increase received from Elgin.

POLICE & PUBLIC SAFETY:

1. GROM MOVED WITH A SECOND FROM GETZ TO APPROVE THE HIRING OF JAMES P. RYAN AS A PART-TIME OFFICER EFFECTIVE IMMEDIATELY AT \$10.00 PER HOUR. MOTION PASSED.
2. The Police Dept. has received DUI prevention funds over the past several years of approximately \$4700 and would like to purchase a new in-car video camera. All squads will then have a camera. GROM MOVED WITH A SECOND FROM ANDER TO APPROVE THE PURCHASE OF AN IN-CAR VIDEO CAMERA FROM EYEWITNESS VIDEO SYSTEMS AT A COST OF \$3,500, USING THE DUI PREVENTION FUNDS. AYE: GROM, ANDER, FINNEY, GETZ, WIND, ZIEMBA. MOTION PASSED.
3. The Police Dept. has applied for reimbursement of training costs for a new officer.

Trustee Grom advised the Board that the Sleepy Hollow Green Communities project will not receive the \$10,000 in violation funds grant from the Army Corps., but the Village will be eligible for future funds.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

1. Sale of out lot parcels. The associated costs for each sale, whether it is two, three, or four sales will include the plat of vacation, plat of easement, title report, and legal fees and could total approximately \$2,000 for each sale. GROM MOVED WITH A SECOND FROM ZIEMBA TO DIRECT ATTORNEY SCHUSTER TO PREPARE THE SALES CONTACTS BASED ON THE APPRAISALS AND INCLUDING THE COSTS OF SALE IN THE PURCHASE PRICE. AYE: GROM, ZIEMBA, ANDER, FINNEY, GETZ, WIND. MOTION PASSED.  
WIND MOVED WITH A SECOND FROM ANDER TO APPROVE THE SURVEY AGREEMENT WITH HEINZ & ASSOCIATES, NOT TO EXCEED \$4,000. AYE: WIND, ANDER, FINNEY, GETZ, GROM, ZIEMBA. MOTION PASSED.
2. The draft Official Procedures Manual has been sent to all committee chairmen for their comments. Board discussed ensuring that all copies of application packets submitted are complete and identical. There was a recent problem where a ZBA variance application packet in the clerk's office was not the same as that reviewed by the ZBA board. A procedure for addressing this situation will be decided and used for all committees.
3. Tree preservation ordinance. Trustee Ander thanked several people for their help in promoting this ordinance and again discussed the benefits of having this ordinance in the Village, especially to control the removal of trees on commercial property. He spoke with the attorneys for two non-home rule towns that have had no challenges to their tree ordinances that have been in place several years. ANDER MOVED WITH A SECOND FROM GROM TO APPROVE ORDINANCE NO. 2004-6 ADOPTING TREE CONSERVATION REGULATIONS IN THE VILLAGE. Board discussed further. This ordinance contains procedures to enforce the regulations and issue fines. AYE: ANDER, GROM, FINNEY. NAY: GETZ, WIND, ZIEMBA. MOTION DID NOT PASS. Trustee Ander asked the three trustees why they voted nay and each responded. Comments were that tree removal is not a problem with residents, and that a PUD ordinance can include tree preservation regulations on developers.
4. The intergovernmental agreement with Dundee Township concerning possible annexation will be discussed at the next meeting as the Board did not have copies of the draft document.

NEW BUSINESS:

No report.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN TO EXECUTIVE SESSION AT 9:57 P.M. FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION PURSUANT TO SEC. 2(C)(11) OF THE OPEN MEETINGS ACT. MOTION PASSED.

\*\*\*\*\*

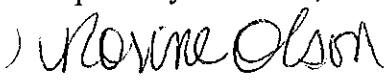
The regular meeting reconvened at 10:10 p.m.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE SLEEPY HOLLOW ROAD SURVEY OF ENGINEERING ENTERPRISES, INC. REFERRED TO AS JOB #82175S. MOTION PASSED.

Trustee Wind asked if landscaping could be planted in an open area north of the bridge on Sleepy Hollow Road. Based on the map, it appears there would be room to do so.

ANDER MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 10:13 P.M. MOTION PASSED.

Respectfully submitted,

  
Norine Olson, Village Clerk

EXECUTIVE MEETING MINUTES

Released  
5-3-04

FEBRUARY 2, 2004

The executive session of the Sleepy Hollow Board of Trustees was convened at 9:57 p.m. for the purpose of discussing pending litigation pursuant to §2(c)(11) of the Open Meetings Act. In attendance were President Pickett; Trustees Ander, Getz, Grom, Finney, Wind, and Ziemba; Village Attorney Schuster; and Clerk Olson.

Village of Sleepy Hollow v. Pulte Home. Mr. Schuster presented a survey to establish the right of way line for Sleepy Hollow Road between the villages of Sleepy Hollow and West Dundee. This survey will be included in the court file of this case and will be recorded with the Kane County Recorder. Sleepy Hollow will retain the right of way, on an average, about 20' west of the section line, which is all identified on the survey. Since it could be difficult to locate this boundary line for future work on the road, it was suggested that we install some type of permanent monuments to show this right of way boundary line. Mr. Schuster offered to ask the surveyor his cost to monument the line at 4 to 5 locations along the route. The Board will approve this survey in regular session.

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

Respectfully submitted,

*Norine Olson*

Norine Olson  
Village Clerk