

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, Grom, and Wind, Police Corp. Wilson; Finance Director Volkening, Village Attorney Schuster, Village Engineer Heinz, and Clerk Olson. Trustees Getz and Ziemba were absent.

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

MINUTES:

1. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE REGULAR MEETING MINUTES OF MARCH 15, 2004. MOTION PASSED.

PRESIDENT:

1. The Village President attended the QuadCom meeting where the budget was revised due to the failure of the referendum that would increase taxes to QuadCom. The Sleepy Hollow increase will be approximately \$4,200 annually, but may increase more due to anticipated IMRF increases.
2. There is a cable consortium meeting next week to discuss whether to request a franchise fee audit of Comcast. The cost of such an audit is unknown at this time, but would be shared by all villages in the consortium. The consortium will also review customer service issues with Comcast.
3. President Pickett met with Attorney Schuster and Engineer Heinz to review several pending issues, including the following: We are unable to proceed with televising of the sanitary sewer line from KinderCare to the apartments until we obtain easements from residents; the Elm Court sewer connection is complete; the 2005 and 2006 sewer projects were reviewed as were potential properties to be developed in the area. Trustee Ander noted that it does not appear that the recent information packet submitted on the Michalski property is complete. There may also be a discrepancy on the plan vs. the number of acres available.

CLERK:

No report.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

1. Chairman Art Neil distributed a packet and read the minutes from the public hearing and the Zoning Board's findings of fact. The Board voted 4 against and 1 in favor of issuing a special use permit for the Steak 'n Shake Restaurant. The property owner, John Regan, and a representative from Steak 'n Shake were unable to attend tonight's meeting and will attend the next Village board meeting to answer questions.
2. The Zoning Board again met with Paul Bednar regarding a PUD ordinance. The information will now be compiled in draft format for review by the Village Board.
3. Mr. Neil has taken the minutes at the last two public hearings as there is no secretary for the Board and would like someone hired to take minutes of public hearings. There are professionals who will take these minutes for a fee. President Pickett will contact a few he is aware of and obtain information for the Board. This service would be used for public hearings for all three commissions. The additional cost should be included to the application fee.
4. The building height ordinance work will be delayed until the PUD ordinance is complete. Chairman Neil feels there should be three separate height ordinances: for tear-downs, for new construction, and for open lots.

ZBA:

No report.

ATTORNEY:

1. Sale of out-lots. The contracts will be mailed to the four adjacent residents to determine interest in their purchase of the out-lot parcels.
2. The Board discussed the draft ordinance creating a new liquor license classification for restaurants. Area villages and restaurants will be contacted to ask their hours of operation and annual liquor license fee before we set Village parameters on these two issues and finalize the ordinance. President Pickett also wants to include BASSET and TIP requirements for restaurant managers and bartenders.
3. Kane County Transportation Impact Fee Ordinance. The county has asked towns to sign an agreement to withhold village building permits unless the county has been paid their fee. Only one town has signed this agreement and some towns are objecting to these county taxes. Board discussed impact on Village staff if required to obtain proof of payment to the county from permit applicants. This could be added to the permit requirements checklist.
4. Affordable Housing Act. Board discussed how the Village can comply with this new legislation. We do not yet know what exemptions will be made to the Act requirements, or if the Village will qualify. Those towns not in compliance with the act must submit a proposed plan to comply by July 1st, but this may be pushed to a later date. The Board discussed how this Act could be incorporated into any PUD property that may come into the Village.
5. A DSL provider has submitted a settlement offer for improper remittance of taxes to the Village. The offer is about \$433. WIND MOVED WITH A SECOND FROM ANDER TO AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE AGREEMENT BETWEEN AMERITECH ADVANCED DATA SERVICES AND THE VILLAGE. AYE: WIND, ANDER, FINNEY, GROM. MOTION PASSED.
6. Mr. Schuster addressed questions on the term of office for appointed positions such as village attorney, engineer, and building officer. The Village Code does not have a fixed term for these positions, but the Village President may remove a person from this position if necessary. The Illinois Municipal League does allow the Village to set a fixed term for these positions however. Trustee Grom discussed the appointment of positions and the approval by the Board of presidential appointments. She would like Board approval of all appointments, including trustee appointments. The Code currently allows the village president to make trustee appointments with no approval, but all other appointments are with Board approval. Appointments are usually made after each presidential election. Trustee Grom would like all appointments to have a set term and for there to be regular reviews. President Pickett noted that concerns with any appointee should be brought to his attention.
7. SpringHill Meadows ordinance violation. The Zoning Enforcement Officer would normally cite for ordinance violations and take action to proceed with the matter in court if necessary. No action has been taken in the tree cutting. This lapse will be discussed with Mr. Kruse. Trustee Grom stated the ordinance sections that were violated in the tree cutting and that we should proceed with any remedies against Mr. Regan. Mr. Kruse will be instructed to proceed as necessary.
8. Ordinance voting requirements. The Board discussed Mr. Schuster's memo on voting requirements for ordinance passage. It is assumed that if the president does not vote, his vote is counted with the majority. Thus, those ordinances approved with a vote of 3 ayes and 1 or 2 nays would be considered to have passed, with the president's silence considered a vote with the majority. However, it was suggested that those ordinance votes also be ratified, of which there are five. There are three situations where the president normally votes: for a tie, where one-half of the trustees have voted in favor of an ordinance, even if there is no tie, and where a greater than majority vote is necessary. GROM MOVED WITH A SECOND FROM ANDER TO RATIFY THOSE ORDINANCES PREVIOUSLY PASSED WITH A MAJORITY OF THREE POSITIVE VOTES. President Pickett felt all trustees should be present to vote and that each ordinance should be ratified separately. AYE: GROM, ANDER, FINNEY. NAY: WIND, PICKETT. MOTION DID NOT PASS.

GROM MOVED WITH A SECOND FROM ANDER TO AMEND THE AGENDA TO MOVE DIRECTOR OF FINANCE REPORT TO NOW. MOTION PASSED.

DIRECTOR OF FINANCE:

1. GROM MOVED WITH A SECOND FROM WIND TO APPROVE THE ACCOUNTS PAYABLE OF APRIL 5, 2004 IN THE AMOUNT OF \$89,358.31. AYE: GROM, WIND, ANDER, FINNEY. MOTION PASSED.
2. Finance Director suggested later office hours for the last Friday of the month to accommodate residents in purchasing stickers and tags. GROM MOVED WITH A SECOND FROM ANDER TO EXTEND THE OFFICE HOURS ON APRIL 30TH UNTIL 6:00 P.M. MOTION PASSED.
3. We should clarify with Sterling Codifiers that their \$500 annual "hosting" fee includes updating the code each year on the Village site.

ENGINEER:

1. The engineer submitted an estimate of the 2004 water system improvements project along with their engineering contract. Trustee Grom objected to the section stating that if the project is abandoned after started, the Village will incur a penalty of costs plus 150%. President Picket suggested this contract be discussed after the Board has approved the actual project, which is some weeks away. The engineer noted that this is a standard contract and has been used on previous projects. Attorney Schuster will review the engineer's contract and submit his comments at the first meeting in May.
2. The residence at 2010 Sleepy Hollow Road was approved by the Board in February for a curb cut for a new driveway. The engineers viewed the proposed location and submitted several recommendations prior to approval of the construction. It will require the owner to have certain work done by his own engineer which should then be reviewed by our engineer, at the owner's expense. This matter will be discussed with Building Officer Kruse to ensure that all items are resolved per our engineer's memo.

COMMENTS FROM THE PUBLIC:

1. Eydie Reese of 1504 Laurel Court commented on the Zoning Board public hearing and asked the Village Board to agree with the Zoning Board's recommendation. She expressed her concerns that the Steak 'n Shake will be a hang out and encourage problems for the neighborhood. She believes this will compromise the safety of the Village.
2. Todd Prigge of Hilltop Lane also commented on the public hearing and distributed his summary of the hearing. He also noted that there are Steak 'n Shake restaurants that are not open 24 hours, and/or do not have drive-through facilities. He encouraged the Board to set a time frame to penalize Mr. Regan for his violations of tree cutting. Mr. Prigge also stated that Trustee Ander was working on the tree ordinance before the Michalski property was an issue and that he does not have personal motives for its passage.

PARKS, ROADS & STREETS:

1. The Village Engineer will review the road situation and advise when the Board can lift the weight restrictions on Village roads.
2. Bids for landscaping were reviewed and one company was substantially lower than the others and references were positive. Board discussed improving the Village entryways; there is some money in the budget for this purpose. The recommended company will detail all work completed on each invoice, and regular communication with the Village was stressed as a necessity. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE THE BID OF WK SERVICES FOR LANDSCAPING SERVICES IN THE AMOUNT OF \$14,098 PER YEAR, WITH A TWO YEAR CONTRACT. AYE: ANDER, WIND, FINNEY, GROM. MOTION PASSED.
3. Trustee Wind met with Rotary officials. They would like to start the Saddle Club Park project by July 1st and finish by the fall. A proposed plan will be submitted to the Village for approval. The surrounding homeowners should also be advised of these plans.

FINANCE:

We do not have another budget meeting date set at this time.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

No report.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

1. The Board discussed the Kane County Stormwater Ordinance and the Village acting as a certified community for this ordinance. In light of recent lawsuits and fines, it was the consensus of the board that the Village would prefer to avoid liability in the monitoring and enforcement of this county ordinance. President Pickett will contact the county to de-certify the Village, if necessary, and return enforcement of this ordinance to the county.

2. Jelkes Creek restoration. There may be more funding available from the Army Corps. for restoration work along Jelkes Creek from the Village Hall and continuing south. Watershed Resource Consultants has viewed the area and submitted a very brief concept plan for a project with estimated costs of \$25,000. We had considered this area for our "demonstration project" for the Green Communities project. This would not include any work on the bridge over the road leading into the parking lot. We should have structural engineers examine the bridge to determine its condition and length of life left. It was suggested that the stream be re-meandered away from the parking lot 20-30'. The re-meander with more gentle bank slopes would also help the flow and help alleviate flooding potential during heavy rains. Re-meandering the creek and softening the sharp angles as it continues downstream would also help the flow. Trustee Grom and Ander will meet with Watershed Resource Consultants, view the area in more detail, and request a more elaborate proposal. We should also obtain a copy of Kane County's study of Jelkes Creek. It is necessary to have a plan in order to qualify for funding and grants.

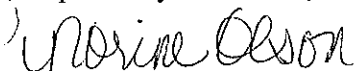
3. Dundee Township pre-annexation agreement. The Dundee Township Supervisor responded to the Village's draft pre-annexation agreement requesting several changes, which will be made. She also noted that the 2-unit per acre limit on future development was not acceptable to the property owners. The Board discussed and would be willing to eliminate this restriction. Mr. Schuster will respond to the Township's letter.

NEW BUSINESS:

No report.

ANDER MOVED WITH A SECOND FROM WIND TO ADJOURN THE MEETING AT 11:25 P.M.
MOTION PASSED.

Respectfully submitted,



Norine Olson, Village Clerk