

REGULAR MEETING MINUTES

DECEMBER 15, 2003

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, Getz, Grom, Wind, and Ziemba, Police Chief Montalbano, Village Attorney Schuster, and Clerk Olson. Trustee Finney was absent.

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

MINUTES:

1. GROM MOVED WITH A SECOND FROM ZIEMBA TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 1, 2003. Page 2, #2 under engineer, should be changed from a \$15,000 bond to a \$15,000 retainer on the contract plus a completion bond. MOTION PASSED.

PRESIDENT:

No report.

GROM MOVED WITH A SECOND FROM WIND TO AMEND THE AGENDA TO ALLOW THE POLICE REPORT TO BE HEARD NOW. MOTION PASSED.

POLICE & PUBLIC SAFETY:

GROM MOVED WITH A SECOND FROM ANDER TO APPROVE THE HIRING OF WILLIAM T. ORTLUND, III AS PART TIME OFFICER, EFFECTIVE NEXT MONTH, AT A RATE OF \$10/HOUR. MOTION PASSED.

CLERK:

1. WIND MOVED WITH A SECOND FROM GETZ TO APPROVE RESOLUTION NO. 321 ENTITLED "A RESOLUTION ESTABLISHING DATES OF REGULAR MEETINGS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF SLEEPY HOLLOW FOR THE CALENDAR YEAR 2004". The July 5th meeting will be changed to Tuesday, July 6th. MOTION PASSED.

2. We received a request to approve the final plat for Too Dundee, the property located south of the Village limits on Sleepy Hollow Road. ZIEMBA MOVED WITH A SECOND FROM ANDER TO COMMUNICATE WITH THE COUNTY BOARD THAT THE VILLAGE OBJECTS TO THE PLAT UNLESS THE PUBLIC EASEMENT IS INCREASED TO 15' AND REFERS TO IT AS USE FOR SLEEPY HOLLOW. MOTION PASSED.

3. WIND MOVED WITH A SECOND FROM ZIEMBA TO APPROVE COMED PERMIT #CR01-572. MOTION PASSED.

4. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE COMCAST PERMIT #PSH-031. MOTION PASSED.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

Chairman Art Neil reviewed in detail the public hearing of November 13th which was continued to November 18th. He distributed minutes from both hearings and noted the board's vote on all proposed amendments. The topics included: allowing restaurants, drive-through facilities, and 24-hour use, several amendments concerning signs in B-2 zoning, the removal of financial institutions from permitted uses, number of parking spaces for restaurants, and to make non-conforming use more flexible by allowing certain building improvements. The November 18th continued hearing was testimony on the petition to re-zone part of a parcel along Route 72 from R-1 to B-2 zoning, which the Board approved with conditions. The Plan Commission also recommended approval of the re-zoning.

8:20 P.M. John Regan, attorney for and one of the owners of the property along Route 72, began his presentation by introducing John Reller, senior real estate manager at Steak 'n Shake, who made a brief power point presentation about the company and answered questions from trustees. He noted that they promote Steak 'n Shake as a family restaurant and that drive through customers account for about 30% of their business. (Village Attorney Schuster arrives at 8:30 p.m.) Jim Edgar of JAS Associates, the design engineers for the development, then described the storm water system and the flow off the property. The system conforms with the Kane County storm water ordinance requirements. He stated that there would be water in the detention pond at all times but that the quantity flowing off the property would be reduced from the current amount onto adjoining resident properties. Questions from the trustees were answered by Mr. Edgar and Mr. Regan. Next, Steve Hovany of Strategy Planning Associates discussed their report, Fiscal Impact of Commercial Development for the Spring Hill Meadows Shopping Center, which indicates net sales tax revenue of approximately \$75,000 per year to the Village when the property is fully developed. He also answered questions from the board members. The property engineer presented a drawing showing the elevations of the property from Route 72 to the edge of the adjoining residential properties on Sycamore. Mr. Regan summarized the zoning amendments he would like the Village to approve to move forward on this development.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO CHANGE THE AGENDA TO ALLOW "PUBLIC COMMENTS" NOW. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

1. Eydie Reese of Laurel Court spoke out against allowing a 24 hour, drive-through restaurant and does not feel the sales tax is worth the negatives this will bring to the Village. She is also concerned about increased water flow through the creek that runs over her property.
2. Richard Pfortmiller of Sycamore also spoke out against a 24 hour, drive-through restaurant as detrimental to the neighborhood and said the petitioner had shown no hardship to grant his variance requests. Mr. Regan responded that variance hardships are not part of a zoning change.

ZBA:

No report.

ATTORNEY:

Mr. Schuster presented several ordinances relating to the zoning hearing:

1. WIND MOVED WITH A SECOND FROM GROM TO APPROVE ORDINANCE NO. 2003-31 ENTITLED "AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING NON-CONFORMING USES AND STRUCTURES IN THE VILLAGE". AYE: WIND, GROM, ANDER, GETZ, ZIEMBA. MOTION PASSED.
2. GROM MOVED WITH A SECOND FROM WIND TO APPROVE ORDINANCE NO. 2003-32 ENTITLED "AN ORDINANCE AMENDING THE ZONING OF CERTAIN PROPERTY LOCATED IN THE VILLAGE FROM R-1 RESIDENTIAL ZONING DISTRICT TO B-2 BUSINESS DISTRICT (1365 LLC PARCEL)". AYE: GROM, WIND, ANDER, GETZ, ZIEMBA. MOTION PASSED.
3. WIND MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2003-33 ENTITLED "AN ORDINANCE ADOPTING CERTAIN AMENDMENTS TO THE VILLAGE ZONING REGULATIONS REGARDING SIGNS FOR THE BUSINESS DISTRICTS IN THE VILLAGE". AYE: WIND, GETZ, ANDER, GROM, ZIEMBA. MOTION PASSED.
4. ANDER MOVED WITH A SECOND FROM WIND TO APPROVE ORDINANCE NO. 2003-34 ENTITLED "AN ORDINANCE AMENDING THE REGULATIONS IN THE B-1 BUSINESS DISTRICT AND

IN THE B-2 VILLAGE BUSINESS DISTRICT REGARDING CERTAIN SIGNS.” AYE: ANDER, WIND, GETZ, GROM, ZIEMBA. MOTION PASSED.

5. ZIEMBA MOVED WITH A SECOND FROM WIND TO AMEND SECTION 8-5-2(B) OF THE VILLAGE CODE TO ADD RESTAURANTS AS A PERMITTED USE. AYE: ZIEMBA, WIND, ANDER, GETZ, GROM. MOTION PASSED.

6. ANDER MOVED WITH A SECOND FROM ZIEMBA TO AMEND SECTION 8-5-5(A) OF THE VILLAGE CODE TO ADD OFF-STREET PARKING OF 10 SPACES PER 1,000 SQ. FT. AYE: ANDER, ZIEMBA, GETZ, GROM, WIND. MOTION PASSED.

7. The Board discussed 24 hour operation of businesses in the B-2 district where there is currently no restriction on the hours of operation. GETZ MOVED WITH A SECOND FROM ANDER TO LIMIT HOURS OF OPERATION IN THE B-2 DISTRICT FROM 6 A.M. TO 1 A.M. Trustee Ander felt we could have a restaurant that did not require 24 hour operation. Trustee Getz asked about liquor licenses for restaurants. AYE: GETZ, ANDER. NAY: GROM, WIND, ZIEMBA. MOTION DID NOT PASS.

8. Board discussed the issue of drive-through facilities. Mr. Schuster noted that this could be a special use permit to be approved for each situation where certain standards would be imposed and the Board would have control over issuance of the permit. Board discussed the sound level from the restaurant speakers. Trustee Ander does not feel drive-through facilities are consistent with the character of the Village. WIND MOVED WITH A SECOND FROM ZIEMBA TO APPROVE DRIVE THROUGH FACILITIES AS A SPECIAL USE PER SECTION 8-5-3, USING 35 DECIBELS MEASURED AT 100' FOR THE MAXIMUM SPEAKER SOUND. AYE: WIND, ZIEMBA, GROM. NAY: ANDER, GETZ. MOTION PASSED.

9. GETZ MOVED WITH A SECOND FROM ANDER TO REMOVE FINANCIAL INSTITUTIONS FROM PERMITTED USES IN B-2 ZONING. Board discussed. Financial institutions would bring the Village very little tax revenue. AYE: GETZ, WIND, ZIEMBA. NAY: ANDER, GROM. MOTION PASSED.

10. The Board discussed amending the liquor code to include restaurants as one of the liquor license users and asked the Village Attorney to draft an ordinance.

ENGINEER:

1. The projects update report was submitted which notes that the Elm Court sanitary system work is moving forward and that a letter has been sent to Madden Construction advising that work must be complete on the Jelkes Creek bridge project by the end of the year.

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GROM TO APPROVE THE DECEMBER 15TH ACCOUNTS PAYABLE WARRANTS IN THE AMOUNT OF \$71,335.42. AYE: ZIEMBA, GROM, ANDER, GETZ, WIND. MOTION PASSED.

2. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE THE PLEDGE CUSTODIAN AGREEMENT WITH FIRST AMERICAN BANK DATED DECEMBER 15, 2003. AYE: ZIEMBA, ANDER, GETZ, GROM, WIND. MOTION PASSED.

3. ZIEMBA MOVED WITH A SECOND FROM ANDER TO APPROVE ORDINANCE NO. 2003-35 ENTITLED “AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS FOR CORPORATE PURPOSES FOR THE FISCAL YEAR BEGINNING MAY 1, 2003 AND ENDING APRIL 30, 2004.” AYE: ZIEMBA, ANDER, GETZ, GROM, WIND. MOTION PASSED.

PARKS, ROADS & STREETS:

1. WIND MOVED WITH A SECOND FROM ANDER TO APPROVE THE QUOTE FROM CROSSTOWN ELECTRIC OF \$14,734.00 TO REPLACE FOUR STREET LIGHT POLES. They previously submitted a quote to replace two additional damaged poles. AYE: WIND, ANDER, GETZ, GROM, ZIEMBA. MOTION PASSED.

) FINANCE:

1. The Finance report will be deferred to the next meeting.

WATER & SEWER:

No report.

POLICE & PUBLIC SAFETY:

No report.

PUBLIC BUILDINGS & ENVIRONMENTAL:

No report.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

All old business was deferred to the next meeting.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN TO EXECUTIVE SESSION AT 10:53 P.M. FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION AND EXECUTIVE MINUTES PURSUANT TO §§2(C)(11) AND (21) OF THE OPEN MEETINGS ACT. MOTION PASSED.

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The regular meeting reconvened at 11:08 p.m.

NEW BUSINESS:

1. We have received appraisals on the road stubs to be offered for sale. Each parcel is worth \$12,000 per the appraisals. President Pickett will contact the adjacent homeowners to advise them of this information.
2. ZIEMBA MOVED WITH A SECOND FROM GROM TO APPROVE THE RELEASE OF THE EXECUTIVE MEETING MINUTES FROM THE CLERK'S 12/15/03 MEMO EXCEPT FOR ANY MINUTES RELATING TO PERSONNEL MATTERS REGARDING A FORMER EMPLOYEE. MOTION PASSED.
3. ZIEMBA MOVED WITH A SECOND FROM GROM TO AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE VILLAGE AND PULTE. MOTION PASSED.
4. ZIEMBA MOVED WITH A SECOND FROM GETZ TO AUTHORIZE THE VILLAGE ATTORNEY TO ORDER A SURVEY DRAWING OF THE RIGHT-OF-WAY OF SLEEPY HOLLOW ROAD AT A COST NOT TO EXCEED \$250. MOTION PASSED.

ZIEMBA MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 11:12 P.M. MOTION PASSED.

Respectfully submitted,

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Norine Olson
Village Clerk

EXECUTIVE MEETING MINUTES

DECEMBER 15, 2003

The executive session of the Sleepy Hollow Board of Trustees was convened at 10:53 p.m. for the purpose of discussing executive minutes and pending litigation pursuant to §§2(c)(21) and (11) of the Open Meetings Act. In attendance were President Pickett; Trustees Ander, Getz, Grom, Wind, and Ziemba; Village Attorney Schuster; and Clerk Olson.

2. ANDER MOVED WITH A SECOND FROM GETZ TO APPROVE THE EXECUTIVE MEETING MINUTES OF OCTOBER 6, 2003. MOTION PASSED.

3. WIND MOVED WITH A SECOND FROM GETZ TO APPROVE THE EXECUTIVE MEETING MINUTES OF NOVEMBER 3, 2003. MOTION PASSED.

4. Village of Sleepy Hollow v. Pulte. Pulte has agreed to make the language changes in the release that we requested and the Village should authorize the Village President to sign the release and settlement agreement.

West Dundee has agreed to a right-of-way point to the west side of Sleepy Hollow Road and a document must be prepared for recording of this agreed line. The \$500 preparation cost will be split between West Dundee and Sleepy Hollow.

Pulte would like to prepare a joint press release on the settlement of this lawsuit and the Board discussed handling this matter on behalf of the Village alone.

ZIEMBA MOVED WITH A SECOND FROM ANDER TO ADJOURN THE EXECUTIVE SESSION AT 11:08 P.M. MOTION PASSED BY VOICE VOTE.

Respectfully submitted,

Norine Olson

Norine Olson
Village Clerk

Released 5-3-04