

VILLAGE OF SLEEPY HOLLOW
REGULAR MEETING MINUTES

OCTOBER 2, 2006

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:34 p.m. In attendance were President Pickett, Trustees Ander, Finney, Getz, Wind, and Ziemba, Police Chief Montalbano, Finance Director Volkening, Village Attorney Schuster, Village Engineer Weiss, and Clerk Olson. Trustee Prigge was absent.

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

MINUTES:

1. GETZ MOVED WITH A SECOND FROM ANDER TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 18, 2006. MOTION PASSED.

PRESIDENT:

1. Dundee Park District is cancelling the Pace Dial-a-Ride program as of January 1, 2007 because of issues with liability insurance.
2. There is a NIPC public hearing on October 9th concerning the Fox River Water Reclamation District's proposal to expand their westside treatment facility. Written comments may also be submitted by October 18th. Included with the notice is a 2006 Facilities Plan for the westside facility. These documents will be placed in the public viewing file.
3. The Village received the preliminary draft of Kane County's 2030 strategic plan update. Comments may be submitted on this update until October 23rd. This will also be placed in the public viewing file.

CLERK:

No report.

PLAN COMMISSION:

No report.

ZONING COMMISSION:

Chairman Neil reported on the September 28th public hearing by reading his Findings of Fact for ordinance modifications on dog runs and gas illuminated signs, and the creation of a special B-2 use for outdoor eating and drinking facilities. Trustee Finney did not feel the term "capped" for the dog run was clear that it meant a covering/roof. Mr. Neil confirmed that there were no residents present at the public hearing. The Board briefly discussed the decibel level for the outdoor area, which they believe is set at 35 decibels at 100' for Steak 'n Shake. It was not known if other area villages have noise regulations for outdoor facilities. It was not clear if the building was 100' from the residential line, which is a requirement of the draft ordinance on this matter. (Trustee Ziemba arrived at 8:05 p.m.)

ZBA:

Temporary Chairman Fuqua reported on the September 21st public hearing on variance #258, for 828 Hemlock. The variance request was on the 15' side setback and 35' front setback, for a four car garage. The residents currently have only a carport which extends to the front of the house and the lot is small. A ZBA motion that would grant a side yard variance, provided the 35' front yard set back was not encroached, failed. It appears the garage addition will also cause the buildings to exceed the 15% maximum for total lot usage. The resident was in attendance and advised the Board that he just discovered that the plat of survey appears to be in error by about 11' for the location of the proposed garage. The Board discussed and reviewed the plat of survey. The resident does not know if the garage can be moved back on the lot to meet the front set back, because of the

septic field and the fireplace. Because there were multiple incomplete issues, the Board advised the homeowners to correct their plat and explore other options to meet the 15% rule and the 35' front set back. The resident will then need to re-petition the ZBA for a new hearing. The resident was also asked to have his surveyor write on the plat the total sq. ft. of the proposed garage, of the house, and of the entire lot.

ATTORNEY:

1. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2006-22 ENTITLED "AN ORDINANCE MODIFYING THE REGULATIONS GOVERNING DOG RUNS IN RESIDENTIAL ZONING DISTRICTS IN THE VILLAGE." The Board discussed the "capped" language for the dog run, and whether the dog run should have a "roof," or if it should be mandatory. There was also discussion about the height of the fence, which does not currently require a minimum height; only a 6' maximum. There was a concern that dogs could jump the fence if there was not a minimum height requirement nor a "roof". WIND MOVED WITH A SECOND FROM GETZ TO AMEND 3(b) TO "THE DOG RUN MAY BE CAPPED BY A COVERING MADE OF CHAIN LINK FENCE MATERIAL". MOTION PASSED. The Board further discussed the height of the fence. WIND MOVED WITH A SECOND FROM ZIEMBA TO AMEND PARAGRAPH 3 TO "ONE DOG RUN CONTAINING NOT MORE THAN 144 TOTAL SQUARE FEET IN AREA AND BEING NOT LESS THAN 4' AND NOT MORE THAN 6' IN HEIGHT. ..." MOTION PASSED. There was discussion on clarification and meaning of "adjacent" in 3(c). ANDER MOVED WITH A SECOND FROM ZIEMBA TO AMEND 3(c) BY ADDING "IMMEDIATELY" BEFORE "ADJACENT." MOTION PASSED.

ON MAIN MOTION: ZIEMBA, GETZ, ANDER, FINNEY, WIND. MOTION PASSED.

2. Mr. Schuster explained additional language to the neon sign ordinance, and to the general village ordinances, concerning maintenance of the signs and repair within a limited period of time if they break. The Board agreed general language on keeping signs in good repair should be added as a new sub-section to apply to all signs in the Village. This will require a new public hearing before passage by the Board. The Board also agreed that new language on maintaining and repairing the neon signs will be included with tonight's ordinance. ANDER MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2006-23 ENTITLED "AN ORDINANCE MODIFYING THE REGULATIONS GOVERNING SIGNS IN THE VILLAGE RE GAS-ILLUMINATED SIGNS IN THE VILLAGE BUSINESS DISTRICTS" INCLUDING THE LANGUAGE AS PRESENTED UNDER B(3). AYE: ANDER, GETZ, FINNEY, WIND, ZIEMBA. MOTION PASSED.

3. Mr. Schuster briefly explained the new zoning ordinance that would allow special use for outdoor establishments. He noted that this ordinance would require a 100' setback from residential zoning, but it is not clear if the building is quite that far from the residents. He also explained that this new zoning would apply to any future business that meets the requirements. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE ORDINANCE NO. 2006-24 ENTITLED "AN ORDINANCE AMENDING THE REGULATIONS IN THE B-2 VILLAGE BUSINESS DISTRICT TO PROVIDE A SPECIAL USE FOR OUTDOOR EATING AND/OR DRINKING ESTABLISHMENTS IN THE VILLAGE." Board discussed the distance issue. GETZ MOVED WITH A SECOND FROM FINNEY TO AMEND 1(a)(iii) TO CHANGE 100' TO 90'. MOTION PASSED. Board discussed the closing time for the outdoor seating area, and were agreeable to a later closing on Fridays and Saturdays. ZIEMBA MOVED WITH A SECOND FROM GETZ TO AMEND 1(d) TO INSERT CLOSING TIMES OF 11 P.M. SUNDAY THROUGH THURSDAY, AND 12 A.M. FRIDAY, SATURDAY AND HOLIDAY EVES. MOTION PASSED. The Board then discussed the issue of noise control. Mr. Schuster stated that this could be controlled in the permit application process and made a condition of board approval of the special use permit.

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

4. Mr. Schuster explained the draft ordinance that will create a new class of liquor license for restaurants with outdoor seating. He noted that anyone who wishes to sit in the outdoor patio will only be able to do so by entering through the main store entrance, and then entering the patio through a side entrance inside the store. The outside patio will also be somewhat enclosed and there will be no outdoor cooking permitted. The Board discussed their noise/music concerns and an appropriate decibel level. The Board thought it had been set at 35 for Steak 'n Shake, but were not certain how that level was reached. The Village does not have a decibel meter. It was again noted that noise control could be tied to approval of the special use permit for each application, or the music issue could also be left to the approval of the liquor control commissioner. WIND MOVED WITH A SECOND FROM GETZ TO AMEND 5(g) BY INSERTING ...OUTDOOR SEATING AREA, "SUBJECT TO REVIEW AND APPROVAL OF THE LOCAL LIQUOR CONTROL COMMISSIONER. ..." THE ITALICIZED PORTION ON DECIBELS SHOULD BE REMOVED. MOTION PASSED. FINNEY MOVED WITH A SECOND FROM ZIEMBA TO APPROVE ORDINANCE NO. 2006-25 ENTITLED "AN ORDINANCE CREATING A NEW CLASS OF ALCOHOLIC LIQUOR LICENSE FOR RESTAURANT WITH OUTDOOR SEATING."

Mr. Kaser, from the business that intends to occupy the subject area, asked questions about the selling of liquor at his store. He would like the store to remain open beyond the closing time for the outdoor patio area. ZIEMBA MOVED WITH A SECOND FROM GETZ TO AMEND D(3) TO "THERE SHALL BE NO SALES OF ALCOHOL BEVERAGES IN AN ESTABLISHMENT HOLDING A CLASS C-2 LICENSE FROM 12 MIDNIGHT TO 11 A.M. EACH DAY." MOTION PASSED. Mr. Kaser then asked about extended hours to sell packaged goods that customers would take home. He may open at 7 a.m. to sell breakfast items and coffees to customers. Current village regulations do not allow sale of alcoholic until 11 a.m. This would require a new paragraph to allow extended hours for selling packaged liquor, separate from the outdoor hours to serve liquor. Mr. Schuster will make modifications to this ordinance for further review at the next meeting. ANDER MOVED WITH A SECOND FROM GETZ TO TABLE THIS ORDINANCE UNTIL THE OCTOBER 16TH MEETING. MOTION PASSED. Mr. Kaser hopes to open by Thanksgiving. He was advised to file his application for the special use permit as soon as possible so that a public hearing could be set.

ENGINEER:

1. Mr. Weiss said the engineering estimate for the Corps of Engineers' permitting process will be about \$50,000 for the Lake Sharon dam. The actual construction/repair of the Lake Sharon dam is tentatively estimated at \$100,000, and could be much higher. It is very hard to estimate because they do not know how deep they will have to go down. Mr. Weiss said a possible alternative to the dam repair would be sheet piling to stop the leaking under the dam, but the permitting process would still be required. The Board discussed whether the Village can afford the expenditures of repairing all the dams. Mr. Weiss briefly explained the problems with the dam. The \$50,000 permitting estimate should be included in next year's budget. If the permit is not approved, however, the Village cannot proceed with dam repairs. The Board discussed whether spending this amount of money benefits the majority of residents and whether this should be put to the residents as an advisory referendum. At the very least, this should be included in the winter newsletter. The Village should also explore possible grants for the dam repairs.

2. WIND MOVED WITH A SECOND FROM ZIEMBA TO SUBSTITUTE MYRNA COURT FOR RAINBOW COURT IN THIS YEAR'S ROAD PROGRAM. AYE: WIND, ZIEMBA, ANDER, FINNEY, GETZ. MOTION PASSED.

3. Several residents have requested that the stone not be laid along the edges of the newly paved roads. The engineer recommends the stone as it helps protect the road edges and the Board agreed. The residents will be advised that the stone must be put along all newly paved roads. Mr. Weiss received a quote for rip-rap at the north end of Sleepy Hollow Road, but believes it was incorrect and will contact the vendor to discuss.

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OCTOBER 2, 2006

DIRECTOR OF FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM GETZ TO APPROVE THE ACCOUNTS PAYABLE OF OCTOBER 2, 2006 IN THE AMOUNT OF \$68,043.11. AYE: ZIEMBA, GETZ, ANDER, FINNEY, WIND. MOTION PASSED.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

PARKS, ROADS & STREETS:

1. WK Landscaping has stated they are willing to pick up trash on Sleepy Hollow Road six times a year at \$185 for each pick up. WIND MOVED WITH A SECOND FROM ANDER TO AUTHORIZE ELLEN VOLKENING TO OBTAIN AN OFFICIAL QUOTE FROM WK. MOTION PASSED.

FINANCE:

1. ZIEMBA MOVED WITH A SECOND FROM WIND TO APPROVE THE AUDIT REPORT. MOTION PASSED.
2. Trustee Ziemba reviewed his analysis of the financial statements for the first four months of the year.

WATER & SEWER:

1. The water meters will be reviewed in the near future regarding lost revenue.

POLICE & PUBLIC SAFETY:

No report.

PUBLIC BUILDINGS & ENVIRONMENTAL:

1. The Environmental Committee will hold its first meeting on October 23rd.

BUILDING & ZONING ENFORCEMENT:

No report.

OLD BUSINESS:

1. There was positive feedback to the sample site sent by the police site webmaster who has offered to update the Village web site.
2. Parking was apparently not an issue at Sleepy Hollow School at several events last month.

NEW BUSINESS:

No report.

ANDER MOVED WITH A SECOND FROM GETZ TO ADJOURN THE MEETING AT 10:30 P.M. MOTION PASSED.

Respectfully submitted,



Norine Olson
Village Clerk