

VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting December 17, 2007

President Abboud called the Regular Meeting to order at 6:34 pm. Roll Call.

Present

Robert G. Abboud, President
Fritz H. Gohl, Pro-Tem
* Steven E. Knoop, Trustee
George L. Schueppert, Trustee
Julie McKeivitt, Trustee
Walter E. Smithe, Trustee
Beth Mallen, Trustee
Douglas Wambach, Village Attorney
Robert Kosin, Director of Administration
Michael N. Murphy, Police Chief
Elaine Ramesh, Village Clerk

Guests

Gigi Iacovelli, resident
Peter Wessel, resident
Matt Yeterian, resident
Pam Cools, resident
Kathy Soeder, resident
Hollie Free, resident
Donna Hirsch, resident
Jenese Busch, resident
Roney Schmidt, resident
Garrett Boehm, Barrington
Gerald Hirsch, resident
Jim Drury, resident
Lola Coles, resident
Bernie Kargol, resident
Carolyn Springer, resident
Mr. McLaughlin, resident
Joe Ahern, resident

Trustee Mallen motioned to adjourn to Executive Session to discuss litigation and a personnel matter at 6:34 pm. Trustee McKeivitt seconded. Roll Call.

Ayes: 7 (Mallen, Schueppert, Knoop, McKeivitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 0

Meeting Adjourned

EXECUTIVE SESSION

PUBLIC SESSION

President Abboud called the Public Session to order at 7:51 pm.

* Trustee Knoop departed at 7:45 pm.

PUBLIC HEARING ON PROPERTY TAX LEVY

Trustee Smithe motioned to open a Public Hearing to take comments from the public on the Village's proposed property tax levy at 7:52 pm. Trustee Gohl seconded. All present said aye.

Motion Approved

President Abboud explained the nature of this annual public hearing. A notice of the proposed property tax levy for Barrington Hills and opportunity for public comment was published in the Daily Herald on December 5, 2007. The estimated total property taxes to be levied for 2007 are \$5,760,229.00, which represents a 3.75% increase over the previous year. Major expenses for the Village are the cost of asphalt for road work and also the cost structure associated with labor and salaries. The budget was approved last month. No comments were made by the public about this matter.

Trustee Smithe motioned to close the Public Hearing at 7:55 pm. Trustee McKeveitt seconded. All present said aye.

Motion Approved

MINUTES

Trustee Mallen motioned to approve the minutes of the Regular Meeting of November 19, 2007 with certain corrections. Trustee Schueppert seconded. All present said aye.

Motion Approved

Trustee Schueppert motioned to approve the minutes of the Executive Session of November 19, 2007 with certain corrections. Trustee Gohl seconded. All present said aye.

Motion Approved

PUBLIC COMMENTS

President Abboud opened a thirty-five minute session for public comments at 8:02 pm.

Carolyn Springer: Ms. Springer spoke about a public stable being built in her neighborhood at 99 West County Line Rd. She indicated that the project has already resulted in a trail closure and that the construction might cause drainage issues. She was also concerned that the new building would lead to disturbing the peace of the area and was concerned about lighting of the building at night.

Donna Hirsch : Ms. Hirsch, 99 W. County Line Rd., indicated that she had received a permit from the Village to build a building which consists of an indoor arena and 20 stalls. The building will house fifteen of her own horses. It is being constructed so that she and her daughters can ride in the winter. She stated that the building is on the front ten acres of her property and that the property is an agricultural property for tax purposes. She also indicated that the trail which Ms. Springer referred to was moved, but not closed.

Lola Coles: Ms. Coles lives near 99 County Line Rd. She believes that the Hirsch building is in violation of Barrington Hills code, as it is a commercial enterprise. She said that the property has no septic field; that 20-40 horses will be maintained on the property; and that the new facility is being advertised. Ms. Coles requested to review Ms. Hirsch's permit application, as she is unsure that the Village was made aware of the nature of the building to be constructed.

Gerald Hirsch: Mr. Hirsch disputed Ms. Hirsch's comments. He indicated that 99 County Line Rd. is owned by a sub-chapter S corporation. He was a co-owner of that property up until four years ago. He stated that there are currently four to six horse trailers on the property which do not belong to the property owners. He believes that the flow of water in that area will be compromised by the construction. He is also concerned about the lack of a working septic field on the property. There are currently Porta Potties on the land because it has no leach field and sewage goes only into a broken tank.

President Abboud instructed Mr. Kosin to conduct a permit review and site review. President Abboud stated that he was concerned about the advertising for the commercial enterprise. He may request that the ZBA review the Code related to barns to reinforce the requirements of the home occupation and may also request input from the Equestrian Commission.

Peter Wessel: The President of the Riding Club indicated that the Riding Club hasn't taken a position on this matter. The Riding Club supports equestrian activities in the Village, but not to the detriment of the neighbors.

Jim Drury: He is a resident on Deepwood who has fifteen horses. He believes that the home occupation ordinance may be being abused. Many of his neighbors are concerned about a commercial boarding operation near their homes which has morphed into a multi-faceted business. He also thinks that the Village may have been misled during the permitting process for that facility. He requested that the Village take control of the situation.

President Abboud replied that the Village will thoroughly review the situation. The moratorium on stables has been lifted and there may be pending applications for stables. President Abboud requested a letter from the Building Department explaining how a barn of more than 15 stalls meets the home occupation ordinance requirement.

Mr. McLaughlin: He is a resident who lives near Mr. Drury. He said that the agricultural use of land within the Village appears to be the excuse for not complying with building code requirements.

President Abboud stated that the Village will review how it enforces its ordinances. An occupancy certificate may not be issued if the use isn't in compliance with home occupation ordinance even if the structure is actually built. Furthermore, if there are misrepresentations on the building permit application, work can be stopped even if a permit was issued.

Joe Ahern of 358 Bateman Circle South: He indicated that he is concerned about commercial boarding operations from a safety standpoint; relaying that at all times of the day strangers have come to his house and barn looking for access to the nearby commercial stable. As a result, he has installed a putting security cameras in his own barn; as he is just two houses away from the commercial facility. He is concerned about large numbers of non-residents coming into his area and onto his property.

Mr. Boehm: Mr. Boehm is an attorney representing the Coreys in the Plichta barn matter. He indicated that the Village issued a citation to the Plichtas to remove the barn at 750 Plum Tree Rd. The Plichtas contested the citation before the ZBA; after previously agreeing to remove the barn. At the last ZBA meeting, the Plichtas withdrew their petition for a variance to keep the barn, after having previously received several continuances. They are currently under citation to remove the barn subject to \$100/day fines. Mr. Boehm demanded enforcement of the removal of the barn. President Abboud requested that Mr. Kosin follow up on the situation.

As there were no further remarks, the public comments session ended at 8:54 pm.

FINANCE – Walter E. Smithe

Treasurer's Report – Trustee Smithe presented the Treasurer's report for the month of November 2007. Trustee Smithe motioned to accept the Treasurer's report as presented. Trustee McKeivitt seconded. All present said aye.

Motion Approved

Police Pension Board Report –Trustee Smithe stated that the November Police Pension Board report will be considered at the next regular Village Board meeting.

Presentation of Bills – Trustee Smithe motioned to approve the payment of the bills for the month of December to date of \$447,054.66. Trustee McKeVitt seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeVitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Motion Approved

Overtime Reports – Trustee Smithe motioned to approve \$4,801.93 in overtime expenses for November 1 through 15, 2007 and \$2,669.68 for November 16 through 30, 2007. The reasons for the overtime expenses were discussed. Trustee McKeVitt seconded. All present said aye.

Motion Approved

Annual Levy - Trustee Smithe motioned to approve Ordinance 07-21, regarding the tax levy for the period January 1, 2007 – December 31, 2007. Trustee McKeVitt seconded. President Abboud discussed the salient features of the assessment. President Abboud also expressed appreciation for the work of Board and the Finance Committee to prepare for the levy. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeVitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Ordinance 07-21 Approved

Designated Depositories for Village Funds – Trustee Smithe motioned approval of Ordinance 07-22, an amendment of the designated depositories for Village Funds. Trustee Schueppert seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeVitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Ordinance 07-22 Approved

ROADS AND BRIDGES – Julie McKeivitt

Monthly Report – Trustee McKeivitt indicated that at present, snow removal is a priority.

Motor Fuel Tax Funds Expenditure – Trustee McKeivitt motioned approval of Resolution 07-26 regarding expenditure of \$58,000.00 for culvert replacement, ditch improvements, drainage improvements and associated work items from the municipality's allotment of Motor Fuel Tax funds. Trustee Smithe seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeivitt, Smithe, Gohl, Abboud)

Nays: 0

Absent: 1 (Knoop)

Resolution 07-26 Approved

PLANNING – Steven E. Knoop

Monthly Report – In Trustee Knoop's absence, Trustee Smithe indicated that there was no report.

Abbey Woods Special Services Area – Trustee Smithe motioned approval of Ordinance 07-20 to establish Special Services Area Number Two in Barrington Hills. Trustee Gohl seconded. If the Abbey Woods Homeowners' Association can't meet its obligations to maintain the lift station for the subdivision, Barrington Hills can collect taxes and turn them over to Barrington to do the servicing of the lift station, as a result of the creation of the Special Services Area. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeivitt, Smithe, Gohl, Abboud)

Nays: 0

Absent: 1 (Knoop)

Ordinance 07-20 Approved

Cook County Data Intergovernmental Agreement – Trustee Smithe motioned approval of an IGA regarding use of updated geographic information system data from the Cook County Assessor's Office. Trustee McKeivitt seconded. All present said aye.

Resolution 07-29 Approved

McHenry County Conservation District Donation – Trustee Smithe motioned approval of a donation to the McHenry County Conservation District of \$500.00 for planting oak seedlings in Coral Township. Trustee McKeivitt seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeivitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Motion Approved

Impact Fee Review – South Barrington’s revised economic formula for impact fees was provided for the Board’s consideration.

PUBLIC SAFETY – Fritz H. Gohl

Monthly Report – Trustee Gohl deferred to Chief Murphy who presented the Police Report for activity in the month of November 2007.

Seat Belt Safety Awards – Officer Parada presented Mr. Cary Schimmel awards because he avoided injury by wearing his seatbelt during an accident on Route 59. His vehicle was seriously damaged but he was safe. He received a medallion and a certificate from the Illinois Association of Chiefs of Police and also a plaque from the Village of Barrington Hills.

Surplus Property Disposal – Trustee Schueppert motioned approval of Ordinance 07-23 regarding the sale of Village property including computer accessories, office furniture and a police car on eBay. Trustee McKeivitt seconded. All present said aye.

Ordinance 07-23 Approved

Police Vehicle Purchase – Trustee Schueppert motioned approval of Resolution 07-27 authorizing the purchase of a police vehicle having VIN #1FMEU73818UA62186 for \$28,005.00. Trustee Smithe seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeivitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Resolution 07-27 Approved

Memorandum of Understanding between Inverness and Barrington Hills – Trustee Gohl motioned approval of Resolution 07-28 regarding authorization of a Memorandum of Understanding between Inverness and Barrington Hills as to the discussion of a joint dispatching agreement; with the modification of 120 days written into Section C1 of the Memorandum of Understanding. Trustee McKeivitt seconded. All present said aye.

Resolution 07-28 Approved

BUILDING AND ZONING – George L. Schueppert

Building Permit Report – Trustee Schueppert reported that fifteen building permits had been issued during the month of November, 2007. They included permits for three residences, two alterations, one demolition and one site development. Eleven residence permits have been issued this year, which is about a third of the average number of permits issued for building homes in the Village.

ZBA Report – Trustee Schueppert reported that at the most recent meeting, the ZBA had a light schedule because the Plum Tree Rd. issue was withdrawn. Verizon asked for a continuance until February for their application for a cellular tower within the ComEd right-of-way adjacent to Helm Woods Forest Preserve. The Public Hearing for PCS has not yet been held. It will be scheduled next month.

Heritage Tree Preservation Ordinance - Trustee Schueppert motioned to approve Ordinance 07-24 regarding tree preservation. Trustee Gohl seconded. Roll Call.

Ayes: 5 (Mallen, Schueppert, McKeivitt, Smithe, Gohl)
Nays: 1 (Abboud)
Absent: 1 (Knoop)

Ordinance 07-24 Approved

INSURANCE – George L. Schueppert

Monthly Report – Trustee Schueppert reported that new health care bills are low; and health care bills which are the responsibility of the previous provider are lower than expected. He also indicated that he had looked into the cost for liability insurance to cover shooters at target shooting ranges. The liability insurance requirement for target shooting ranges may be discussed at another Village Board meeting.

HEALTH, BUILDINGS & GROUNDS, ENVIRONMENT – Beth Mallen

Strategic Plan for Village Building – Trustee Mallen reported that a newly approved McHenry County regulation on open burning increased setback requirements for fires. The lock-up project has still not yet been finished; so the work in the Police Department is ongoing. Trustee Mallen noted, with thanks, that the Garden Club had donated a wreath for the Village Hall, as they have done for the past 33 years.

ATTORNEY – Douglas Wambach

Attorney Wambach stated that matters of litigation had been addressed in Executive Session.

ADMINISTRATION – Robert G. Abboud

Communications Committee – Trustee Mallen reported that at the most recent meeting, the committee discussed a bid from a website developer to update the Village website. The next newsletter will be published early in February.

2008 Meeting Calendar – The Board discussed the revised 2008 Village meetings calendar. Trustee McKeivitt motioned to approve the amended calendar. Trustee Smithe seconded. All present said aye.

Motion Approved

Committee Membership – President Abboud is in the process of reviewing the openings and the nominees for the various Village committees, as the scale of the appointments is being changed and all of the appointments have exceeded their original terms.

Busch Donation Agreement – Trustee McKeVitt motioned to approve the Busch donation agreement, with Exhibit B part A subsection (b) stricken; and subsection (p) (iv) stricken and replaced with “Access to the property will be subject to limits set by the Village of Barrington Hills. Groups of more than five people will require a permit from the Village.” Trustee Gohl seconded. Roll Call.

Ayes: 4 (Schueppert, McKeVitt, Gohl, Abboud)
Nays: 2 (Mallen, Smithe)
Absent: 1 (Knoop)

Motion Approved

Trustee Gohl motioned to return to a second Executive Session at 11:10 pm. Trustee McKeVitt seconded. Roll Call.

Ayes: 6 (Mallen, Schueppert, McKeVitt, Smithe, Gohl, Abboud)
Nays: 0
Absent: 1 (Knoop)

Motion Approved

Trustee Schueppert motioned to adjourn the Public Session at 11:32 pm. Trustee McKeVitt seconded. All present said aye.

Meeting Adjourned

Approved _____