

MINUTES OF THE MEETING OF THE BOARD OF
TRUSTEES
VILLAGE OF BARRINGTON HILLS
MAY 20, 1957

The regular meeting of the Board of Trustees of the Village of Barrington Hills was held Monday evening, May 20, 1957 at 8 PM. A call of the roll showed all of the members present. Mr. Fred Hartmann, Village Treasurer, and Mr. Caleb Canby, Village Attorney, were also present. The minutes of the previous meeting were read and approved.

The Committee reports were the first order of business.

Mr. Goitra, chairman of the Finance Committee had no formal report at this time. Mr. Dalistream suggested that the Finance Committee and the Treasurer meet to draw up a budget and a tax levy for presentation at an early date. A Banking Resolution was introduced. Mr. Caesar moved, Mrs. Bard seconded a motion that the First National Bank of Barrington be established as the Village Bank. The motion was carried unanimously.

Mr. Canby suggested that the fiscal year of the Village be changed in order to give the Board sufficient time to consider and adopt the appropriation ordinance. Mr. Caesar moved, Mr. Stresen-Reuter seconded a motion to amend Chapter V, Article III, paragraph 53, on page 11 of the Village Code to read as follows: "The fiscal year of the Village is hereby fixed and determined to commence on the first day of May in each year." The motion was carried unanimously by roll call vote of all the members

present.

The matter of the tax levy discussed. Mr. Canby expressed the belief that it would be a mistake to have no tax levy, inasmuch as it is unrealistic to feel the village can function without income from a tax levy. It was the consensus of opinion that while the appropriation ordinance should provide for sufficient funds, that the actual levy should be kept as low as possible.

Mr. Canby then suggested that Chapter I, Article II, paragraph 8, page 3 of the Village Code be amended to read: "Quorum. A majority of the Village authorities shall constitute a quorum." After full discussion, the motion was carried unanimously by roll call vote of all the members present.

The Illinois Municipal League is sending the Village an application for membership. Mr. Canby recommends joining the League because he feels it will be of definite value to the Village.

Mr. Motter, chairman of the Law Committee, reported there had been no business for his committee. The Appropriation Ordinance was presented, considered, and referred to the Finance Committee and to the Law Committee for reports for the next meeting of the Board. Mr. Motter was advised that it shall be the duty of the Law Committee to read all ordinances which are adopted.

Mr. Caesar, chairman of the Roads and Highways Committee, reported he has made a general inspection of the roads, but will

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have a specific report to make on this matter at the next meeting.

Mr. Caesar advised the Board that he has been unable to find anyone to serve as Superintendent of Public Works. Several names were suggested to him and he agreed to contact them. The Board felt that at this time the Superintendent of Public Works may serve on a per diem basis until there is sufficient work to warrant a full time superintendent.

Mr. Caesar was asked to advise the Zoning Commission that the issuance of building permits will be in their jurisdiction until such time as a Superintendent of Public Works can be secured.

Mr. Stresen-Reuter, chairman of the Public Safety Committee, recommended that the present posted speed limits in the Village be maintained. After some discussion, wherein the doubtful validity was noted of Village speed ordinances when the county or state has already posted speed limits, the Board decided to maintain the present limits.

The subject of law enforcement and police protection for the village was discussed. Mr. Stresen-Reuter reported that after a great deal of study of the question, his committee has concluded that it is advisable to go slowly at this time because the recommendations for what we need and on what the cost would be, vary so greatly. In addition, the over-all picture will change when new territories are annexed.

The advisability of making Mr. Richard Van Albrecht the Town Marshall and Arnold Schurring his deputy, and of giving them

law-enforcing powers, was discussed and rejected because the necessary village ordinances have not been adopted.

The question of the liability of the village for the actions of its law-enforcing officers was raised. Mr. Dallstream advised that usually a village is not liable in any instance unless dereliction of duty can be proven.

The Board expressed the desire to have Arnold Schurring, who has been patrolling private property in the area for several years, serve in some capacity in any projected plan. Mr. Stresen-Reuter recommended a medical examination for Mr. Schurring.

The Committee reported that they had met with Chief Smith of Barrington who intimated that Barrington might be able to expand their operations to include Barrington Hills. The Board felt this would be an ideal answer to the problem of law enforcement and police protection because Barrington has the facilities, the experience, and the knowledge. Mr. Dallstream asked Mr. Canby to determine the legality of a contract for police protection with Barrington.

Mr. Dallstream asked the Finance Committee between now and the next meeting to consider the Village Clerk's compensation.

Mr. Grace, chairman of the Public Health Committee, had no business to report.

Mrs. Bard, chairman of the Zoning and Planning Committee, presented the report of the Zoning Commission. This report was studied and discussed in detail, with constant reference to the proposed Zoning Ordinance. The discussion is not included in the body of these minutes, but a copy is on file with the Village

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Clerk, and the President and each of the Board members has been given a copy of same to aid them in further consideration of this problem. It was finally concluded that the President and the Zoning Committee should meet with the Zoning Commission to iron out differences of opinion before a public hearing on a zoning ordinance shall be held.

The map of the Cook County part of the Countryside district was brought out with the various projected annexations delineated thereon. Mr. Dallstream said that the residents in area #1 - the area north of Otis, east of Barrington Hills, south of County Line and west of Barrington - were practically 100% for annexation; that the petition had been drafted and signed.

Area #2 on the map, that property west of Barrington Hills, south of County Line, east of Middlebury and north of Algonquin Road is also in general agreement in their desire to annex to Barrington Hills.

Area #3 on the map, property lying generally east of Barrington Hills, west of Barrington Road, south of Otis Road and north of Algonquin Road, presented problems. Judge La Buy owns quite a bit of acreage in this area which he plans to develop in 1 acre residences. It was stated that Judge La Buy would like to present his plans to the village when they are complete to see if annexation would be permitted. It was the consensus of the Board that his petition for annexation would then be considered.

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Others areas for annexation were briefly discussed but no
action was taken.

Motion for adjournment was made and seconded. The meeting
adjourned.

Respectfully submitted,

Andrew Paulsen
President

Frances Pitt Arnold
Village Clerk

DISCUSSION ON THE REPORT OF THE ZONING
COMMISSION

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In order to avoid confusion, these notes will refer to the Report of the Zoning Commission as the Report, and to the Proposed Zoning Ordinance upon which the commission based its report, as the proposed ordinance.

Mr. Dallstream stressed that we are now covered completely by 5 acre zoning except for that property designated a non-conforming use. Under the latter are included those residences in the village which, because they were established before the present R-1 zoning for this area, or because of some geographic peculiarity, are on a little less than 5 acres, as well as such established uses as Old Heidelberg, the Round Barn, boarding stables, and so on. As long as such uses are continuous in operation, they can continue in spite of being in an R-1 District.

Referring to the Report, page 1, Section 3, wherein the zoning commission recommends the establishment of an R-1 district of 5 acre residential, an R-2 residence district of 2 acres, and an R-3 residence district of 40,000 sq. feet, Mr. Dallstream stressed the point that the fact that the village makes provision for less than 5 acres does not mean that the village ever has to find a district where less than 5 acres for residence will be allowed. The Board agreed with the recommendation by the commission, page 1, section 3B of the Report, that the map accompanying the Ordinance should show all of the present Village as R-1 (5 acres only).

Referring to the Report, page 1, Section 4, Mr. Caesar asked for Mr. Dallstream's recommendations. Mr. Dallstream suggested that under permitted uses in this section, (2) schools not for profit could, as the commission recommends, be put in R-2; (3) churches, the commission's recommendation that these be put in R-2 is questionable; (4) parks and forest preserves, the recommendation that these be put in R-2 is questionable. Mr. Dallstream stressed the fact that under "churches" we sometimes have more than places of worship. A Retreat is not a church. The Retreat is willing to come into the Village, Mr. Dallstream advised, and has procured authority to do so from the head of their order. Mr. Caesar asked if that were not a dangerous precedent. Mr. Dallstream called attention to its existence as an established use before the village was organized, and that therefore it could be declared a non-conforming use.

Mr. Motter asked why the village should have R-2 and R-3 zoning when it was established to attempt to maintain 5 acre zoning. Mr. Dallstream explained that all of the village is now designated R-1 but to avoid future court action on the basis that the village zoning ordinance is not reasonable, allowances for R-2 and R-3 zoning should be made in the ordinance. Mr. Stresen-Reuter asked about the future danger of residents of R-2 and R-3 districts being able to outvote the original village intention. Mr. Goltra suggested

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classifying anything but 5 acres as non-~~conforming~~^{conforming} rather than incorporating R-2 and R-3 zoning in the ordinance. Mr. Dallstream said he believed there would be grave probability that such an ordinance could not be upheld.

Referring to the report, page 1, Section 4, items (5) and (6) the commission recommends deleting them (clubs not operated for profit and golf courses) in their entirety from any district. Mr. Dallstream advised that the village already has an application for annexation from the Barrington Hills Country Club. Mr. Dallstream thought it unwise to eliminate these items from a zoning ordinance.

Referring to the report, page 2, Section 5, Mr. Dallstream advised putting Section 5, page 6 of the proposed zoning ordinance into the R-3 district and leaving it just as it is in the proposed ordinance. Mr. Dallstream suggested putting clubs in the R-2 District so that the Board can take a look at any club that may want to organize in the village. The Board expressed the belief that certain types of clubs would be desirable, i.e., a tennis club, an ice-skating club, or a swimming club.

Referring to the report, Section 6, page 2, wherein the Commission raised the question over the need for a "Miscellaneous Special Use" district, and requested the elimination of item (10) recreational camps, (14) picnic grounds or groves, and (18) temporary carnivals and circuses (referring to Section 6, page 7 of the proposed ordinance) Mr. Dallstream again stressed the danger of some judge calling the village zoning ordinance unreasonable. Mr. Dallstream recommended keeping the "Miscellaneous Special Use" classification in the ordinance; deleting (10) and (14), but leaving in (18).

Referring to the report, Section 7, page 2, item (10) wherein the commission advises amending it to read "advertising signs, but excluding billboards and poster panels," and deleting item (15) in its entirety, Mr. ~~Dallstream~~ Dallstream mentioned the fact that billboards advertising property for sale or produce grown on the property are not considered billboards. Mr. Dallstream advised leaving Section 7 on page 8 of the proposed ordinance which refers to a B-1 District (Business) just as it is, on the theory that the Village is not going to designate any property for B-1 zoning. The zoning commission is correct in its assumption expressed in the last sentence on page 2 of its report, that a B-2 Business District has been deleted from the proposed ordinance.

Referring to the report, section 8, page 3, regarding Industrial Districts, Mr. Dallstream expressed the belief that the zoning commission has perhaps overlooked the fact that the ordinance should be comprehensive enough to last for years. The village is organized with only R-1 districts in its actual plan, but because the Planning

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has nothing to do ^{with} in deciding what "slots" should be available in a zoning ordinance, the zoning ordinance must be sufficiently comprehensive to provide whatever zones may be required in future years. It is then up to the Planning Commission to decide what districts they will allow in actual zoning practice.

The zoning commission's recommendation regarding Minimum Side Yards, Section 13, page 3 in the report, Mr. Dallstream thought valid. Regarding the commission's suggestion that consideration should be given to the establishing of ground floor area requirements for residences, Mr. Dallstream pointed out that a zoning ordinance should concern itself only with the use of the property. If ground floor area requirements are felt necessary, Mr. Dallstream suggested they should be incorporated in a building ordinance.

The commission's suggestion on page 4 of their report, Section 13, regarding classifying property annexed to the Village as R-1 until a hearing is held to change any portion of the annexed property to some other classification, Mr. Dallstream felt was well taken.

Referring to the report, under Section 17, Definitions, pages 4 and 5, Mr. Dallstream said we have lived under the present county zoning ordinance for 17 years and have always construed county zoning as preventing two families' living together; that the commission's fears that the present definition of "Family" would perhaps allow boarding or rooming houses, is unfounded; that he felt the suggested definition of "Family" should be turned down. The law states, according to Mr. Dallstream, that you cannot, by zoning, legally render as illegal a non-conforming use.

The rest of the report was read. Mr. Canby noted that the law states that the zoning ^{commission} shall call for a public hearing on a zoning ordinance before its adoption. Mr. Dallstream suggested setting a date with the zoning commission to iron out differences of opinion before the public hearing is held.

Mrs. Ralph A. Bard, Jr.

Brinker Road, Barrington, Illinois

Dear Village Board —

Sorry I can't be present at the meeting tonight. Before I leave town, I'd like to send you my thoughts on the annexation problem — I have mixed feelings concerning the acquisition of perimeter property which would be zoned for less than 5 acres — I can see the necessity, eventually, for a transitional area between

Mrs. Ralph A. Bard, Jr.

Brinker Road, Barrington, Illinois

the village ~~and~~ of Barrington
and on 5-acres going -
However, I do feel that
the Syndicate property could
be considered further before any
action was taken. It could
be annexed later, after more
careful thought, and omitted at
the present time.

We certainly don't want a
precedent established where our
whole perimeter is small

Mrs. Ralph A. Bard, Jr.

Brinker Road, Barrington, Illinois

acreage which could eventually
out-vote our present 5-acre
zoning and break it down.

This would defeat the whole
purpose of forming our village.

I'll be back on duty June 26th

Norie Bard