

MINUTES OF MEETING OF PRESIDENT &
BOARD OF TRUSTEES, OCT. 14, 1963.

Meeting called to order by President John H. D. Blanke. Trustees present at roll call were: Robert F. McCaw, Robert J. Long, Paul J. Shultz, J. Frank Wyatt. Also present were: May L. Pinkerman, Clerk; B.J. Zelsdorf, Treasurer; Seymour Axelrod, Atty.

MINUTES OF 9-23-63: Page 2 Par. 1 line 7: change "to" to "for". (Discussion had on status of fence matter with C&NWRR) Page 3 Par. 13: 2nd changed from "Long" to "Shultz". At end of Par. 15 add: "for special use permit". Par. 16: insert "now" before "in". MOTION by Trustee Wyatt to approve minutes with correction and additions, seconded by Trustee McCaw. Ayes.

INQUIRIES FROM AUDIENCE invited. No response heard.

FIRST NATIONAL BANK & TRUST CO. OF BARRINGTON report for Sept. 1963 received & filed.

TREASURER'S REPORT for Sept. 1963 received & passed to files.

PARKING LOT & METERS REPORT for Sept. 1963 briefed by President.

DOWNTOWN LIGHTING PROGRAM-CUBA ELEC. SHOP: Letter of commendation from President to Mr. Ahlgrim read.

PERSONAL PROPERTY LIST FOR BARRINGTON TOWNSHIP: reprints received courtesy Paddock Publications, Arlington Heights. Clerk asked to write letter of appreciation.

DELINQUENT TAXES IN ELA TWSHP (Barr. Mdws.): excerpt from Frontier Enterprise distributed.

PUBLIC WORKS DEPT. Complimentary letter from Barrington Centennial Inc. received by Supt. Johanesen and read.

CLEANUP DAYS (BARRINGTON TRUCKING) Oct. 28-29-30. President prepared newsrelease.

PANKER VARIATION HEARING set for 10-18-63 at 8 PM before Zoning Board of Appeals.

AMERICAN OIL CO. vs VILLAGE: Supreme Court decided against Village. Costs to date reported at \$3329.25; rehearing discussed; no further action by Board; mimeo copies of decision being sent to Trustees by Attorney. ✓

PREVAILING WAGE ACT: Supreme Court ruled against City of Monmouth; copies of decision distributed; it was noted entire act has not been upset. ✓

NEW TRUCK & SNOWPLOW: Motion by Trustee Long that Clerk open & read bids, seconded by Trustee Wyatt. Trustee McCaw suggested that, since only 1 bid received, the Clerk might contact others who took out specs on their intention to bid. Trustee Shultz suggested readvertising. MOTION AMENDED to table matter & seconded. Ayes. MOTION by Trustee Long that invitation to bid on this piece of equipment be republished, seconded by Trustee Wyatt. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. ✓

ALARM SYSTEM FROM VILLAGE HALL TO POLICE DEPT.: Chief Muscarello contacted Mr. Nacey, who installed fire alarm system - has been advised it is possible to install such an alarm in conjunction with fire alarm (buzzer) & set with lights with alarm buttons at certain desks in V. Hall offices. Report due in for next meeting.

WTTW request to canvass in Village next March received. Trustee Long suggested submitting this to Barrington Area United Fund Drive Committee for recommendations.

PUBLIC WORKS BLDG. PHONE: A business phone to be installed. Discussions had with sales representative of Ill. Bell. with view to enlarging Village System at a future date. New number for P.W. Bldg. is Du 1-6636****.

N. HOUGH ST. BLACKTOPPING: from Main to C&NRR tracks - State Dept. Public Works desires to set this up as part of 1964 program, per their letter.

RUSSELL & LAGESCHULTE ST. (Paving of Russell St. west-Schurecht): No plans & specs received by Village & job was stopped; contractor was advised plans & specs must be prepared by Engineers of their choice to be checked by Village Engineers and submitted to Village Board for examination & approval, before any work can proceed.

ORDINANCE: to cover Bauer lot division at northwest corner Hough St. & Hillside Ave. read. MOTION by Trustee ^{Wyatt} to adopt seconded by Trustee Long. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. #823.

DRAFT FOR APPLICATION FOR SPECIAL USE PERMIT for Village owned lots on Station St. received; copies to be distributed to Board members. ✓

CUBA RD. SUBDIVISION OF 10A into 2-5A plots: Plan Commission recommendations of 10-4-63 read approving proposed subdivision. Original plat to be signed by President of Plan Commission & Village Clerk. MOTION by Trustee Long that this be approved by Village Board and Village President, as Pres. of Plan Commission, and Village Clerk be empowered to affix signatures, 2nd by Trustee Shultz. Roll call=Ayes: McCaw, Long, Shultz, Wyatt.

STREET LIGHTING IMPROVEMENTS ON S. HOUGH ST. (between Lake St. & Hillside Ave.) President noted that Public Service Co. recommended 6M lumens between Lake & Lincoln also between Lincoln & Russell and Monument & Coolidge, also between Sturtz & Hillside, as additional units and 2 of the 6M lumen size to be replaced with 10M lumens. Total increase in cost of operation about \$16.74 per month. MOTION by Trustee Wyatt that the P.S.Co. be authorized to install and replace lights on S. Hough St. as submitted in their recommendation and sketch of 10-7-63. Second by Trustee Shultz. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. Trustee Wyatt noted Village is making progress in improving street lighting in Village and Trustee Shultz asked that a light be considered closer to Library=between Sturtz & Monument=that Mr. Atwood be requested to study this for additional lumens.

WILLARD REZONING REQUEST FOR 213 W. Main St. from R10 to B1: Recommendation from Plan Commission to grant request read (for specific purpose requested). MOTION by Trustee Wyatt that this matter be referred to Ordinance Committee for further study and recommendations to Board. Seconded by Trustee Shultz. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. Trustee Long noted that this is outside of business zone. ✓

JEWEL PARK STREET LIGHTING: Trustee Wyatt reported on defective wiring & that Committee decided to ask Engineers to get up specs only for the repair of the light wiring on Elm Rd. in Jewel Park. MOTION by Trustee Wyatt that the Village Engineers be requested to draw specs for the repair of lighting wire on Elm Road, Jewel Park, from Hough St. to Lake Zurich Rd. Seconded by Trustee Shultz. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

LILL ST. PAVING between Lincoln & Russell: P/S received today with notice to bidders. Trustee Wyatt briefed on total estimated cost for improvement to Lill St. from Lincoln to N. of Coolidge = \$13,230.84; owners of property between Lincoln & Russell had expressed & advised Village they would pay cost of curb & gutter; Committee decided to ask Engineers to prepare estimated cost on Lill between Lincoln & Russell. MOTION by Trustee Wyatt that we authorize Village Engineers to prepare plans & specs & estimate of cost for the proposed paving improvement on Lill St. between Lincoln & Russell St. Seconded by Trustee Shultz. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

MOTION by Trustee Wyatt that Village Clerk be authorized to advertise for bids, in accordance with copy submitted by Engineers, for Lill St. Paving Improvement between Lincoln Ave. & Russell St. Second by Trustee Long. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. (signature to be changed from President to Clerk)

NORTHWEST MUN. CONFERENCE scheduled to meet 8 PM Wednesday in Palatine; Mayor of Palatine has prepared Resolution to be introduced at this meeting on appointment of Magistrates; authorization requested by President to endorse Resolution; decision held until after recess.

SALES TAX RECEIPTS TO VILLAGE FOR JULY reported as net \$7639.19.

DUTCH ELM DISEASE CHEMICAL for control program: After discussion MOTION by Trustee Wyatt that Village Clerk advertise for bids by requesting, in particular, such bids from Pennsalt Chem. Corp. 309 Graham Bldg. Aurora 7, Ill; Michlin Chem. Corp. 9045 Vincent, Detroit 11, Mich.; and Standard Oil Co. (American Oil Co.) 20 N. Wacker Dr. Chicago 6, (John Speck local agent) on: 27-55 gal. drums of elm spray material containing 32.4 DDT. Prices quoted should be specific concerning refund on barrels-delivery to be made to Public Works Bldg. N. end of Raymond Ave. Barrington. Second by Trustee Long. Trustee McCaw reminded Board of several meetings held on spraying; Trustee Wyatt added that matter has been talked out in Committee meetings and no changes considered for this program at this time, briefing on tree losses during last 3 years. Roll call on motion: McCaw-No; Long-Yes; Shultz-No; Wyatt-Yes; Blanke-Yes. MOTION by Trustee Wyatt, in connection with application of DDT spray material, that Village Landscaper be authorized to omit spraying elm trees in front of any residence where resident advises Village, in writing, that they do not desire to have elms sprayed directly in front of their residence. Second by Trustee Long. Roll call-Ayes: McCaw, Long, Wyatt. Noes: Shultz.

RECESS AT 9.35 .

ORDINANCE #731 amended: Ordinance as passed in 1960 was redrafted in order to incorporate it in Village Code, and read. MOTION by Trustee Wyatt to adopt amended ordinance, seconded by Trustee McCaw. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. (#824)

GIANCOLA WATER MAIN EXTENSION CONTRACT: Attorney Axelrood reported meeting held and conclusion reached that \$6198.89 is due U.S.F&G. That Company thru Mr. Murphy to send releases & waivers; suggested Board authorize issuance of a check in above amount which Attorney will not tender until necessary papers have been received. Lawsuit was filed in Lake County and is being investigated for dismissal. Engineers letter of recommendation for acceptance, dated 10-4-63 following their final inspection, read. MOTION by Trustee Long that the Village accept the 1961 Water Main Extension program #61-010:CTA, work done by Anthony Giancola & Son, seconded by Trustee Wyatt. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

MOTION by Trustee Long that Village issue check in amount of \$6198.89, included on list of bills of 10-14-63, payable to U.S.F.&G.Co.; that this check be forwarded to Village Attorney for delivery to U.S.F.&G. Co. upon receipt of all releases and waivers with stipulations to dismiss pending lawsuit in Lake County, acceptable in form to our Attorney. Seconded by Trustee Wyatt. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

LAKE ZURICH ANNEXATION of 300A S.E. of that Village noted.

BARRINGTON TRANSP. CO. BUS PARKING, ETC. on Grove Ave.: It was noted complaints have been renewed. Matter referred to Ordinance Committee for further study as to ordinance violations on suggestion of Trustee Shultz.

PUBLIC WORKS BLDG. Mr. Makela of Consoer, Morgan. reported on status of finalizing; noted Village is occupying; certain corrections yet to be made.

EQUIPMENT FOR P.W. BLDG. Trustee Shultz reported receipt of only 1 bid so far.

CUMMINGS MOTEL CONDEMNATION: Attorney was requested to write owners; reported search underway to verify ownership; when letter is directed copy will be sent Village.

PANKER PROPERTY REZONING: Ordinance read. MOTION to adopt by Trustee Wyatt, seconded by Trustee Long. Roll call-Ayes: McCaw, Long, Shultz, Wyatt. (#825)

SKYLINE DRIVE DRAINAGE: Trustee Wyatt reported this was checked by Supt. Public Works & sod is to remain; Mr. Lageschulte will correct street later; no Board action.

ZONING ORDINANCE REVISION: Outline submitted by Attorney; copies checked by Committee of Whole. MOTION by Trustee Wyatt to authorize Village Attorney to proceed with revision of Zoning Ordinance as set forth in letter of 10-1-63, seconded by Trustee Long. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

ROWE ANNEXATION vs DETACHMENT FROM VILLAGE OF BARRINGTON: Letter of 10-10-63 from B. W. Hungerford, Attorney, read; new plat attached. MOTION by Trustee Shultz that their attorney prepare necessary papers for approval of our Attorneys for detachment from Village of Barrington of Rowe property, seconded by Trustee Long. Roll call-Ayes: Trustee Wyatt abstained from voting. Clerk to forward letter.

SANITIZING OF VILLAGE WASHROOMS BY LIEN CHEMICAL: Bid received by Supt. Public Works to cover facilities in Village Hall, Police & Fire Bldg. & Public Works Garage, to include pest control program at cost of \$46.82 per month; service considered necessary and was briefed on by Trustee Shultz; MOTION by Trustee Shultz that Village institute service as proposed by Lien Chemical Co. in their letter of 9-24-63 wherein we execute agreement to institute program to cost approximately \$562. per yr plus initial payment of \$25. for 3 kits (refundable) Service to be included, in addition, for the Disposal Plant with addition to contract to cover. Seconded by Trustee McCaw. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

CUMNOR AVE. PAVING: President reported no information received for acceptance.

ILL. MUNICIPAL EMPLOYEES RETIREMENT PROGRAM: Trustee Long reported on meeting held and matter now in hands of Finance Committee for study. ✓

BILLS: MOTION by Trustee Long that bills be paid from funds indicated with exception of item for rug cleaning in amt. of \$12.75; after discussion it was decided to pay this item and check insurance coverage. Second by Trustee McCaw. Roll call-Ayes: McCaw, Long, Shultz, Wyatt.

AUDIT FOR YEAR ENDING 4-30-63: presented by Mr. Rolland Kelsey; distribution of copies-to be studied by Board; Mr. Kelsey complimented on fine job.

PARKING LOT #2: Last week President, Chief of Police & Engineers met; checked out on lots 2 & 3; turntable area discussed - 30 or more spaces could be gained per Mr. Hodel in that area. C&NWRR lease was approved last year; all spaces now available in lots not in use. Trustee Wyatt suggested Committee place formal request before Board - concurred in by Trustee Shultz; Trustee Long suggested a study to indicate whether Lot 3 should or should not be improved; Lot 3 to be held for time being. Private property parking discussed; Trustee McCaw & Chief Muscarello to report.

LINE PAINTING AT STREET INTERSECTIONS: No Board action deemed necessary-maintenance.

POLICE & FIRE BLDG.: Several inquiries received from architects; item passed until next meeting on suggestion Trustee Wyatt; Police & Fire Depts. independently studying specific needs.

FIRE DEPT.: Chief Harold E. Martens presented annual report receiving special commendation from the Board for services rendered by Fire Department. MOTION by Trustee Shultz that annual report of Barrington Fire Dept. be accepted and that the Fire Department be complimented on fine service to the Village. Seconded by Trustee McCaw. Ayes.

AERATOR-WATER WKS.IMPROVEMENTS: President noted present one constructed in 1939 & in constant use since; he had contacted Engineers re a proposal on cost of a new aerator; estimate on their design is between \$5000 & \$6000, being same as they would recommend for new pump station on Bryant Ave.-could be included in that project. Meeting planned in near future on water matters.

SEWAGE DISPOSAL FLOW: reported 460M low & 844M high with average 660M.
WATER PUMPING REPORT: briefed by President. Meter installed at Disposal Plant to meter Village water being used.

ILLINOIS MUNICIPAL LEAGUE CONFERENCE: Oct. 19 thru 22nd; President & Treasurer to attend.
(Springfield)

PUBLIC WORKS DEPT.: Request from Supt. Johanesen received re employment of Frank Broviak of Lake Zurich as mechanic to fill existing vacancy. MOTION by Trustee Wyatt to employ Mr. Broviak, seconded by Trustee Long. Roll call-Ayes:McCaw, Long,Shultz,Wyatt.

RESOLUTION ON MAGISTRATES: MOTION by Trustee Wyatt to decline to endorse, seconded by Trustee Long. Ayes.

SIDEWALK REPAIRS: Suggested form letter read and approved by all Trustees present.

PUBLIC WORKS: Supt. Johanesen reported on recent Conference in Springfield. Short discussion during which Trustee McCaw asked if Dept. has adequate manpower for major problems?

TROJAN HYDRAULIC PIPE PUSHER: MOTION by Trustee Wyatt that Village authorize purchase of one Trojan Pipe Pusher (Hydraulic) at cost not to exceed \$900. complete, plus attachments. Second by Trustee McCaw. Roll call-Ayes:McCaw,Long,Shultz,Wyatt.

POLICE DEPT. RADIO: Trustee McCaw reported that a certain citizens band radio is property of former Chief Smith. Chief Muscarello has checked matter & citizens band radio must be maintained in addition to regular Police radios. Approval requested for purchase of a Knight KN 2560 double sideband carrier citizens band radio cost not to exceed \$250. Second by Trustee Shultz.Roll call-Ayes:McCaw, Long, Shultz, Wyatt.

MEETING ADJOURNED at 11.45 PM on motion by Trustee McCaw, seconded by Trustee Wyatt.

Respectfully submitted,

May L. Pinkerman
Village Clerk

received 10/14/63 8 PM
Wyatt

CONSOER, TOWNSEND AND ASSOCIATES • CONSULTING ENGINEERS

360 EAST GRAND AVENUE • CHICAGO 11, ILLINOIS • TELEPHONE DELAWARE 7-6900

Members, Village Board of Trustees:
Please study the problem stated in
this letter. I recommend we respond to
our engineers' recommendations.

October 14, 1963

Mr. John H. D. Blanke
Village President
206 S. Hough Street
Barrington, Illinois

John H. D. Blanke
- Blanke
Oct. 15, 1963

Dear John:

We acknowledge herewith receipt of your September 21, 1963, letter relative to the August 15, 1963, survey of the Barrington sewage treatment plant made by Mr. Carl T. Blomgren of the State Sanitary Water Board.

Our Mr. Gerald I. Brask visited the plant on September 25, 1963, and reports the conditions on that date:

1. Mr. Blomgren noted that the contents of the Aeration Tanks were "blacker than normal" and that an effluent "visibly unsatisfactory" was being discharged. Mr. Brask did not find the Aeration Tanks unusually dark. They were not septic and the appearance of the effluent was good. He feels that after his observations and conversations with Mr. Hager, a temporary condition could have existed during Mr. Blomgren's visit. As you well know, no plant operates perfectly all of the time. Mr. Brask sampled the return sludge and it settled very well.

Relative to Mr. Blomgren's comment regarding readjusting the sludge scrapers in the final clarifiers, he is perhaps not aware of the fact that in this type of tank there are no scrapers to adjust.

X
2. Mr. Blomgren suggested that final effluent be used as a source of supply for the foam control spray system serving the Aeration Tanks. I believe that you also feel that consideration should be given to changing this over from the municipal water supply to final effluent. Mr. Brask stated that Fred Hager was trying out final effluent in one of the spray headers while he was there, but the pump being used was too small.

Measurements made during our visit showed that approximately 2 gallons per minute is presently discharged through each of 80 spray nozzles. This total of 160 gallons per minute, or 230,000 gallons

Mr. John H. D. Blanke

October 14, 1963

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per day, represents approximately 25 percent of the total potable water pumped by the Barrington water utility.

We agree that you will find it advantageous to change to the use of plant effluent in your tank spray system.

We find that the cost of an appropriate pump will be about \$800.00, including a foot valve and strainer. We estimate that the piping work, electrical work, and structural work which may be needed for the construction of a sump will add approximately \$1,200.00. The total cost for the changeover would then be about \$2,000.00.

Based on your present water rates, the water presently used has a value of about \$5,000.00 per quarter.

3. No laboratory analyses of sewage characteristics are made at the Barrington plant. We concur with the Sanitary Water Board in their recommendations pertaining to the advisability of making such determinations. ✓

In their correspondence to you, the Sanitary Water Board requested an evaluation of plant capacity. The plant, with the latest additions, was designed for 90 percent removal of 5-Day B. O. D. and Suspended Solids at an average daily flow of 1.0 MGD. It is our opinion that the plant is capable of such performance and that it is, therefore, operating at about 70 percent of capacity.

Please advise us if we may be of further assistance to you on these matters.

Very truly yours,
CONSOER, TOWNSEND & ASSOCIATES

John W. Townsend
John W. Townsend

JWT:JL

for study

STATE OF ILLINOIS)
) SS.
COUNTIES OF COOK AND LAKE)

APPLICATION FOR SPECIAL USE PERMIT

The undersigned, Village of Barrington, a municipal corporation, hereby applies for a special use permit to operate a police station and fire station, together with parking facilities on the following parcels of land:

1. Commencing at a point 66 feet East of the North West corner of Lot 18 of the County Clerks Re-division of the Assessor's Division (except Lots 9 to 17 inclusive and Lots 30 to 34 and 35 thereof) of the West half of the North West quarter and the South East quarter of the North West quarter of Section 1, Township 42 North, Range 9, East of the Third Principal Meridian, running thence East 66 feet, running thence in a Southerly direction parallel with the West line of said Lot 18, 132 feet; running thence West 66 feet, running thence in a Northerly direction parallel with the West line of said Lot 18, 132 feet to the place of beginning in Cook County, Illinois,

commonly known as 121 W. Station Street.

2. The West 66 feet of the North 132 feet of Lot 18 in the County Clerk's resubdivision of the Assessor's Division (except Lots 9 to 17 both inclusive and Lots 30, 34, and 35 thereof) of the West half of the North West Quarter and the South East quarter of the North West quarter of Section 1, Township 42 North, Range 9, East of the Third Principal Meridian in Cook County, Illinois,

commonly known as 127 W. Station Street.

VILLAGE OF BARRINGTON

By: _____
PRESIDENT

ATTEST:

CLERK

THOMAS A. MATTHEWS
BYRON S. MATTHEWS
ATTORNEYS

SOUTH LA SALLE STREET
CHICAGO 3, ILLINOIS

TELEPHONE CENTRAL 6-3500

SEYMOUR C. AXELROOD

October 14, 1963

C
O
P
Y

Mr. John H. D. Blanke,
Village President,
Barrington, Illinois

Dear Mr. Blanke:

Enclosed is a copy of the Supreme Court decision
in the case of American Oil Company vs. Village
of Barrington.

Cordially yours,

Byron S. Matthews

BSM:f
Enc.

cc - All Trustees

Docket No. 37771—Agenda 58—May, 1963.
American Oil Company *et al.*, Appellees, v. The Village of
Barrington, Appellant.

MR. JUSTICE SOLFISBURG delivered the opinion of the court:

The appellees, American Oil Company, Louis Miller and Lydia Miller, filed an action in the circuit court of Cook County seeking a declaratory judgment that the zoning ordinance of the village of Barrington was invalid as applied to certain property owned by the Millers. The court entered a judgment holding the ordinance invalid, and this direct appeal has been prosecuted by the village to review the judgment.

The property owned by the Millers is situated on the south side of Station Street, which runs east and west. It is improved with a two-story brick building containing an automobile tire shop and a barber shop on the ground floor and two apartments on the second floor. Immediately adjacent to the Miller property on the west, at the southeast corner of Station Street and Hough Street, is a service station owned by the plaintiff oil company. Both the Miller property and the service station were being used for their present purposes prior to the enactment of a comprehensive zoning ordinance in 1959, and under that ordinance both of these properties were zoned for limited retail use. The use to which the Miller property is now devoted is permitted under this classification, but service stations are not permitted, so that the station is presently a nonconforming use. The oil company and the Millers petitioned the village authorities for a change in the zoning to permit the expansion of the service station to cover the Miller property and the petition was denied by the village planning commission and the village board. The present action then was brought.

A determination of this case involves a consideration of the uses to which surrounding property is devoted and an analysis of this evidence in the light of the principles governing zoning restrictions. Immediately south of the plaintiff's service station, on Hough Street, there is another service station which takes up the remainder of the west side of the block in which the properties are located. Immediately to the east of the Miller property on Station Street, is a building which is used primarily for the storage of merchandise. Other uses in this block include a hardware store, a delicatessen and several multiple-family dwelling units. On

the west side of Hough Street, facing the service stations, there is a two-family residence, a single-family residence, the village hall, and a small restaurant. On the northwest corner of Hough and Station streets there is a store which had formerly been occupied by Jewel Tea Company, but which, at the time of the trial, had been vacant for over a year. To the north of the vacant store, on the west side of Hough Street, there is another store building which, at the time of the trial, was being occupied as campaign headquarters for a political party. On the north side of Station Street, across the street from the station and the Miller property, there is a police and fire station, an old house which, at the time of the trial, was about to be torn down for a parking lot, and several retail establishments.

In contrast to the uses surrounding the subject property, which are primarily of a nonretail nature, the evidence shows that the prime retail district is located along Main Street, which runs approximately parallel to Station Street, one block north. Along that street there are 34 retail uses within about two blocks. Twelve of these uses are contained in a new shopping center which was built by Jewel Tea Company after it vacated the store to which we have previously referred. There have been no new retail uses developed along either Hough or Station streets within the immediate vicinity of the properties with which we are presently concerned.

This review of the evidence makes it clear that, although the subject property is zoned for retail use, the uses in the block in which the property is located, together with uses in the immediate vicinity are largely of a nonretail nature and are nonconforming uses. While the existence of nonconforming uses does not automatically invalidate a zoning ordinance, the frequency and character of such uses may render a zoning classification invalid (*Kupsik v. City of Chicago*, 25 Ill.2d 595.) The evidence also shows that the prime retail district of the village has been developed along Main Street to the north and that no new retail uses have been initiated in the immediate vicinity of the subject property. In fact, one such use, the food store, abandoned its location near the Miller property and moved to a new location along Main Street. It is apparent that the trend of development of new retail business is away from the subject property, which is left at the fringe of the retail district. The undisputed testimony showed that the Miller property would be considerably more valuable if it were used for service station purposes, and while it is true that the mere fact that property would increase in value if used for other purposes does not invalidate a zoning ordinance, evidence of such increased value is a factor to be considered. In our opinion the evidence here establishes that the present zoning of the Miller property for retail uses is unreasonable and is invalid insofar as it prevents the expansion of the existing service station. The judgment of the circuit court of Cook County is therefore affirmed.

Judgment affirmed.



Trustee Wyatt

ILLINOIS MUNICIPAL LEAGUE

Member: American Municipal Association

A. L. SARGENT
Executive Director

537 SOUTH FOURTH STREET
SPRINGFIELD, ILLINOIS
AREA CODE 217 — TELEPHONE 523-2921

NEW ADDRESS: 1220 South Seventh Street
Springfield, Illinois 62703
Phone: 527-2533

NEWSLETTER NO. 63-2a
3rd October 1963 dcn/map

PREVAILING WAGE ACT

Under date of September 27th, 1963, the Illinois Supreme Court handed down a decision in the case of City of Monmouth vs. Lorenz et al, Supreme Court No. 37911, which held that the amendments in 1957 and 1961 to the Prevailing Wage Act were unconstitutional insofar as they applied to employees of governmental bodies engaged in construction work. This means public employees engaged in construction work no longer come within the Prevailing Wage Act and Motor Fuel Tax funds cannot be withheld from governmental agencies not paying the prevailing wage to their own employees. This decision makes no change in the prevailing wage applicable to private contractors.

A verbatim copy of the opinion follows:

O P I N I O N
SUPREME COURT OF ILLINOIS
UNITED STATES OF AMERICA

State of Illinois* ss.
Supreme Court *

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the ninth day of September in the year of our Lord, one thousand nine hundred and sixty-three, within and for the State of Illinois.

Present: Ray I. Klingbiel, Chief Justice; Justice Joseph E. Daily; Justice Harry B. Hershey; Justice Roy J. Solfisburg, Jr.; Justice Walter V. Schaefer; Justice Byron O. House; Justice Robert C. Underwood; William G. Clark, Attorney General; Robert G. Miley, Marshal; Attest: Mrs. Earle Benjamin Searcy, Clerk.

BE IT REMEMBERED, that afterwards, to-wit, on the 27th day of September, 1963, the opinion of the Court was filed in said cause and entered of record in the words and figures following, to-wit:

CITY OF MONMOUTH, ET AL., *
Appellees *
No. 37911 vs. *****Appeal from Circuit Court Warren County *
FRANCIS S. LORENZ, AS DIRECTOR OF *
THE DEPARTMENT OF PUBLIC WORKS AND *
BUILDINGS, ETC., ET AL., ETC., ET AL., *
Appellants *

Fifty Years of Service to Illinois Municipalities

Mr. Justice House delivered the opinion of the Court:

The city of Monmouth and 63 other plaintiffs, including cities, counties, individuals, a public official and a taxpayer, sought a declaratory judgment that an act, commonly referred to as the Prevailing Wage Law, (Ill. Rev. Stat. 1961, chap. 48, pars. 39S--1 to 39S--12,) has been rendered unconstitutional by amendments adopted since 1951. The defendants Directors of the Department of Public Works and Buildings and the Department of Finance filed a motion to dismiss the complaint, which was denied, and they elected to stand on their motion. Whereupon, a decree was entered finding the Prevailing Wage Law unconstitutional and enjoining its enforcement. This appeal followed.

The act in question was adopted in 1941. Its general purpose is to compel municipalities and other legal entities to ascertain and pay prevailing wages on public projects. Following certain amendments in 1951, it was the subject of constitutional attack in Bradley v. Casey, 415 Ill. 576. The act was construed as applicable only to public works to be constructed under contract, not to direct employment by public bodies, and was held to be constitutional except as to a provision not germane to the issue here.

The plaintiff municipalities all employ personnel for the construction and repair of public works, some of which are governmental and some proprietary. The city of Monmouth is presently engaged in the building and maintenance of a city hospital. The complaint alleges that plaintiffs employ some persons who do both construction and maintenance work and that by reason of steady employment and other benefits plaintiffs are able to hire workmen and mechanics at rates of pay which are 33% to 50% less than purported prevailing rates of pay for each craft or type of workmen performing labor on a particular construction job.

The question posed is whether the Prevailing Wage Law, as amended, which now brings within its provisions employees of public bodies engaged in public construction, is constitutional. While the act contained some language indicating the existence of such a question at the time of Bradley v. Casey, 415 Ill. 576, it was there held that "(w)hen the entire context of the act is considered, it appears manifest that the legislature intended the act to apply only to contractors under contracts for public works." (p. 581.) That case also held that the title of the act did not embrace persons directly employed by public bodies.

The act was amended in 1957 and again in 1961. The title now includes public works both by municipalities and their contractors, and section 2 (par. 39S--2) in unmistakable terms extends application of the act to employees of public bodies when engaged in new construction but excludes those engaged in maintenance work.

Many grounds of unconstitutionality are asserted by plaintiffs, several of which center around section 10a of the act, (Ill. Rev. Stat. 1961, chap. 48, par. 39S--10a,) added in 1961, which reads: "The State of Illinois, through its appropriate agencies shall not approve any public works project for which such approval is required, until the public body requesting such approval has filed a certificate of full compliance with this Act, and no motor fuel tax funds shall be allocated to any public body until such certificate of compliance with this Act is filed."

It is first contended that section 10a amends section 8 of the Motor Fuel Tax Act, (Ill. Rev. Stat. 1961, chap. 120, par. 424,) and certain sections of the Illinois Highway Code, by dealing with the same subject matter, without being complete in itself and without setting forth the section amended, and is therefore within the prohibition of section 13 of article IV of the constitution. That section provides, in part that "no law shall be revised or amended by reference to its title only, but the law revised, or the section amended, shall be inserted at length in the new act."

The situation created by the legislation points up the foresightedness of the framers of the constitution in including such a provision. It is conceded by all the parties that many problems will be found in administering the laws under the act in its present form. Section 10a is not complete in itself. The difficulty in its application may be illustrated by a study of it in connection with section 8 of the Motor Fuel Tax Act. Section 8 allocates fixed percentages of motor fuel tax collections (after deduction of administrative expense and other items) to the State and to the several municipalities and counties of the State, the latter in turn to apportion a fixed percentage to each of their townships. Thus, section 8 was complete and, by applying its formulae, 100% of the funds collected could be definitely allocated. On the other hand, section 10a prohibits allocation of funds to any public body which has failed to file its certificate of compliance with the Prevailing Wage Law but fails to provide for allocation where no certificate is filed. It is readily apparent that allocation provisions are intermingled in the two acts and officials charged with administering the law must look to both acts; and, even when they do so, uncertainty as to allocation remains. This is violative of section 13 of article IV of the constitution. (See Chicago Motor Club v. Kinney, 329 Ill. 120; Illinois Liquor Control Com. v. Chicago's Last Liquor Store, 403 Ill. 578; Hertz Corp. v. Taylor, 15 Ill. 2d 552.) As this court noted in the Illinois Liquor Control Com. case at page 583: "If there were no Liquor Control Act, or a Fair Trade Act, the law under consideration in this case would be unintelligible. It lacks the requirement of certainty, and of being definite." The present uncertainty is even more manifest with respect to apportionment to townships through counties where townships in a county certify compliance but the county fails to do so.

Section 10a goes deeper than providing for the withholding of payment. It prohibits allocation under certain circumstances in direct contradiction of section 8 of the other act, thereby leaving uncertainty as to allocation between public bodies. This is quite different from withholding payment of funds as provided by the Illinois Highway Code, (Ill. Rev. Stat. 1961, chap. 121, par. 5--702,) or withholding compensation of State employees as in the amendment to the State Finance Act discussed in Pickus v. Board of Education, 9 Ill. 2d 599. In the former the funds allotted would be withheld until compliance with the condition for payment, and in the latter the appropriation would lapse at the end of the biennium. In neither case would it pose a problem of uncertainty to those charged with administering the funds.

Defendants argue that if the Prevailing Wage Law and Motor Fuel Tax Act are read in pari materia, as was done in Jordan v. Metropolitan Sanitary District, 15 Ill. 2d 369, that the legislative intent will be apparent. This overlooks the cumulative effect of amendments to the Prevailing Wage Law which plaintiffs charge

not only makes for uncertainty, but offends the due process and equal protection provision of the Illinois constitution. Section 3 of the act (Ill. Rev. Stat. 1961, chap. 48, par. 39S--3) provides for the ascertainment of the prevailing wage rate for each craft or type of workman and payment of such rates to those engaged in construction of public works but excluding from the benefits of the act those engaged in maintenance work. The term "maintenance work" is defined in section 2 (par. 39S--2) as "the repair of existing facilities when the size, type or extent of such existing facilities is not thereby changed or increased." Under certain sections of the Illinois Highway Code, (Ill. Rev. Stat. 1961, chap. 121, pars. 5--701 to 5--701.8, 6--701 to 6--701.5 and 7--202 to 7--202.15,) public bodies may use motor fuel tax funds for both new construction and maintenance and by section 5--702 the Department is enjoined to compel maintenance by withholding payment. On the other hand section 10a of the Prevailing Wage Law requires certification of compliance on all public works projects, whether construction or maintenance, and prohibits allocation until a certificate is filed. The impracticability of application of added section 10a by public officials is apparent, and it is unconstitutional and void.

This leaves for consideration the effect of other amendments to the Prevailing Wage Law. As heretofore pointed out, the title of the act now includes public works by public bodies as well as contractors, and section 2 extends application of the act to public bodies engaged in construction. By so doing the legislature in effect made a single classification of all employers of laborers, workmen and mechanics engaged in the construction of public works whether the employer be a contractor or a public body.

It is well established that equal protection of the law is not violated as long as the selection of objects for inclusion and exclusion within the class, upon which the legislation acts, rests upon a rational basis. (Donoho v. O'Connell's Inc. 18 Ill. 2d 432; People v. Warren, 11 Ill. 2d 420; Smith v. Murphy, 384 Ill. 34; Price v. City of Elgin, 257 Ill. 63.) Here the legislation has put into a single class public bodies and construction contractors which are for most purposes two entirely different classes. It is true that each class may employ laborers, workmen and mechanics for the construction of public works and that the legislation in question deals only with this common characteristic of the two classes. Labels may be deceptive, however, and labeling the two classes as employers of workmen for the construction of public works does not cover the vital and real differences between the two classes of employers and their respective employment relationships with their employees. Government employment is generally of a steady nature and entails fringe benefits, whereas employment by a private contractor is unusually seasonal and does not carry like fringe benefits. These disadvantages of seasonal employment and lack of fringe benefits are compensated, of course, by the payment of higher wages. The workmen employed by the public body may do as well as or better in the long run than the workman employed by a private contractor although his rate of pay be not as high. The object of the legislation in question is to insure that workmen on public projects receive the same economic benefits as workmen on projects of a similar nature by regulating the rate of pay they are to receive, but rate of pay is just one factor in determining the economic benefits to be derived from employment, and where, as here, the two classes of employers are by their very nature in such a position that they cannot and do not confer similar economic benefits on their employees exclusive of the rate of pay, an act requiring both classes to pay their employees on construction at the same rate violates the equal protection

clause of both the fourteenth amendment to the Federal constitution and section 22 of article IV of the Illinois constitution.

This holding does not render the Prevailing Wage Law unconstitutional in toto. It was held to be valid, as it existed prior to the 1957 and 1961 amendments, in Bradley v. Casey, 415 Ill. 576. Deletion of the amendment will leave it substantially as originally enacted by which it was made applicable to public bodies when engaged in construction.

The decree of the circuit court of Warren County is affirmed.

Decree affirmed.

RECENT NEWS RELEASES FROM ATTORNEY GENERAL OF ILLINOIS, WILLIAM G. CLARK:

A county, probate, city court or other municipal judge elected after July 22, 1959, is entitled to additional compensation when serving by assignment in another court of record for which the salary is in excess of the judge's own salary, Attorney General William G. Clark held.

Such additional compensation, Clark's opinion advised Michael J. Howlett, Illinois State Auditor of Public Accounts, should be paid from the \$251,500 appropriation made by the 72nd General Assembly for that purpose.

Such added compensation, Clark's opinion said, should run from the date the judge's term begins or from July 28, 1961, whichever is later. This date of July 28, 1961, is that on which the \$251,500 appropriation became effective, Clark's opinion said.

"In the case of any of the designated judges elected after July 22, 1959, but prior to July 28, 1961," Clark's opinion said in explaining his ruling, "such judge would be entitled to the additional compensation from July 28, 1961. In the case of such a judge elected on or subsequent to July 28, 1961, and on or before June 30, 1963, such judge would be entitled to additional compensation from the beginning of his term of office to and including June 30, 1963."

The assessed valuation of property used to extend a city's fire protection fund levy is also to be used for extending a city's firemen's pension fund levy, Attorney General William G. Clark held.

The statutes provide, Clark's opinion advised State's Attorney James E. Bales of Lee County, that after a city has received written notice from the Director of Public Safety to refrain from operating any fire protection facilities in the territory of the Fire Protection District, then the city shall not exercise any of its powers in the fire protection district which specifically includes the power to levy taxes for such purposes. The statutes further provide, Clark's

opinion said, that the corporate authorities of a city and the board of trustees of a fire protection district are both authorized to levy taxes for the firemen's pension fund.

"Both of these tax levying bodies could not levy taxes for the firemen's pension fund in the same territory for the reason that it would amount to double taxation," Clark's opinion said. "I therefore conclude that the assessed valuation that is used for extending the city's fire protection fund levy is also to be used for extending the city's firemen's pension fund levy."

In asking the opinion Bales informed Clark that his question involves the City of Dixon, where certain properties located inside the corporate limits of Dixon are deducted from the total assessed valuation within the corporate limits for purposes of extending the levy for the City's Fire Protection Fund. The assessed valuation of property in Dixon not included for the City's Fire Protection Fund levy is included for the fire protection levy of a rural fire district, Bales said.

A person cannot hold the offices of village clerk and village treasurer simultaneously, Attorney General William G. Clark held.

The statutes provide, Clark's opinion advised State's Attorney Harrison J. McCown of Douglas County, that in a village of less than 10,000 population where a village collector is appointed the village board may provide by ordinance that the village clerk shall hold the office of village collector. This provision indicates, Clark's opinion said, that it was the legislative intent that the only other village office a village clerk could hold was village collector.

The village treasurer under the statutes receives all monies belonging to the municipality, gives a receipt to all persons paying money into the treasury and files copies of these receipts with the village clerk. The statutes further provide that the village treasurer shall report to the corporate authorities and file this report with the village clerk.

"From these duties of the village treasurer," Clark's opinion said, "it appears that a conflict in interest is present as he would be dealing with himself as village clerk."

Northwest

RESOLUTION

WHEREAS, the Northwest Municipal Conference represents an aggregate population in excess of 186,000 persons; and

WHEREAS, the member municipalities are involved, as parties plaintiff, in thousands of ordinance violation cases each year, most of which are heard in Justice of the Peace and Village Magistrate Courts; and

WHEREAS, the enforcement of ordinances and especially of traffic, zoning, and building ordinances, is a vital function of the member municipalities; and

WHEREAS, it is of the utmost importance to the members of this Conference and the inhabitants thereof that the judicial processes governing ordinance violation cases conform to the highest standards; and

WHEREAS, the realization of these standards, and the objectives dependent thereon, requires that the personal and professional qualifications of the Magistrates assigned to hear these cases be of the best quality; and

WHEREAS, it appears that the recent Amendment to the Judicial Article of the Illinois Constitution will provide that Magistrates will be appointed by the Circuit Judges of each county, and that such Magistrates may be assigned to hear said ordinance violation cases; and

WHEREAS, it has long been recognized that heretofore a major factor in the nomination of well-qualified candidates for judicial office in Cook County has been the Screening Procedures of the Chicago Bar Association whereby, among other things, all members of that Bar Association have had an opportunity to provide information bearing on the qualifications of aspirants to judicial office and have further, by secret ballot, indicated their opinions regarding such qualifications.

Struggle

NOW, THEREFORE, BE IT RESOLVED by the Northwest Municipal Conference that it formally request the Circuit Judges of Cook County to employ every device deemed helpful in the appointment of the most highly qualified attorneys among those seeking appointment as Magistrates under the New Judicial Article, as implemented by statute, and that said Judges take such steps as they deem advisable to receive the benefits of a procedure similar to the Judicial Candidate Screening Process of the Chicago Bar Association, in the consideration and appointment of candidates for the position of Magistrate.

BE IT FURTHER RESOLVED, that the Secretary be and he is hereby directed to send a copy of this Resolution to the Illinois State Bar Association, The Chicago Bar Association and all the Judges in Cook County, Illinois, who, under the provisions of the recent Judicial Amendment, will become, on January 1, 1964, Circuit Judges.

The foregoing resolution unanimously was adopted at a regular meeting of the Northwest Municipal Conference on _____, 1963

Secretary

October 14, 1963

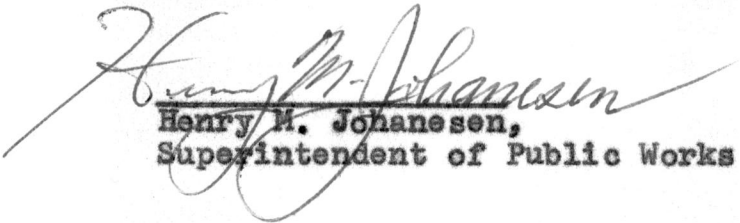
President and Board of Trustees

Gentlemen:

I would like to recommend the hiring of Frank Broviak, RR2, box 92, Lake Zurich, Illinois, as a mechanic and maintenance man.

Mr. Broviak has had sixteen years mechanical experience on light and heavy equipment. He is able to do major overhauls and tune-up work. He will work for \$2.50 an hour and furnish all his tools, gauges and meters. He is able to drive snow plows and operate other village equipment as well.

Respectfully yours,


Henry M. Johansen,
Superintendent of Public Works

HMJ:hj

Handwritten notes at top of page, partially illegible.

Items - Board Meeting October 14, 1963

1. Recommendation for Parking Lot #3 forthcoming.
- ✓ 2. S-1 - Authorize Village Clerk to solicit bids from 3 or more parties for Dutch Elm Disease Chemicals.
- ✓ 3. S-2 - Report on Lill Street Paving Improvements. *Curb and side going to catch basin.*
4. S-5 - Blacktopping Hough Street from Main Street north to Tracks. *Corner parking.*
- ✓ 5. S-7 - Road drainage correction on Skyline Drive from Lill to Dundee. *not accepted - large hole - large hole to correct.*
6. S-8 - Sidewalk need at Railroad crossing on No. Hough Street. *curb permit.*
7. S-9 - Progress report on Survey for ^{curb} ~~sub~~ and sidewalk repairs. *chief permit.*
If any additions.
8. *Lill St. bids.*
Lill St advertising for bids.
9. *sidewalk along Cook-Lake road north side.*

Meeting date on Municipal employees Retirement program. Oct. 7 - 8 p.m.

Meeting date on ordinance - 9 a.m. October 5.

Supt. public works authorize clerk to write RR (Chicago & North) for permit to construct sidewalk on RR property backing
 Mr. Johanesen, *Hough Street at crossing, upon receipt of plan & permit Supt. of public works authorize to solicit*
 Please prepare necessary information and recommendation for items 4, 5, and 6.
bids for village part of work. to be in

Frank Wyatt

L. ble. Trucking plan.

Village President's List of Topics for Board Meeting October 14, 1963.

- ✓ 1--Roll call
- ✓ 2---Invocation---Rev. Heineman
- ✓ 3---List of Committee Assignments, dated October 11, 1963
- ✓ 4---Approval of Minutes of Sept. 23 meeting
- ✓ 5---Inquiries from the audience
- ✓ 6---First National Bank financial statement for September *Statement published*
- ✓ 7---Village Treasurer's report for September
- ✓ 8---Parking meter collections for September \$3,401.30
- ✓ 9---Cuba Electric Shop contract for street lights *name of client affidavits.*
- ✓ 10---Personal property and real estate tax lists
relative embargo - personal property list.
- ✓ 11---Letter of appreciation to Public Works Superintendent ✓
- ✓ 12---Fall Cleanup Days publicity *Oct 28, 29 and 30.*
- ✓ 13---Date for hearing on Panker variation request *Friday Oct. 18 - 8 P.M.*
- ✓ 14---Supreme Court decision on Miller lot - 3,329,25 - *zoning board of appeals.*
- ✓ 15---Ruling on Prevailing Wage Rate Statutes appeal *2 yr*
- ✓ 16---Opening of bids on truck and snowplow ✓
- ✓ 17---Alarm system to Police office from Village Hall
- ✓ 18---Channel 11 TV Barrington canvass endorsement *months to 15*
- ✓ 19---Telephone for Public Works building
- ✓ 20---Blacktopping N. Hough Street from Main Street to tracks
- ✓ 21---Russell Street paving westerly of (Lageschulte Street *to tracks*)
- ✓ 22---Ordinance on division of Baur lot at Hillside and Hough *for road only*
- ✓ 23---Special Use permit hearing for W. Station Street village lots
- ✓ 24---Plan commission report on Cuba Road lot division *Oct 4 subdivision.*
- ✓ 25---Street light improvement for S. Hough Street
- ✓ 26---Plan Commission report on Frank Willard rezoning petition *out of R-10 to B-1 - 213 West Main Street.*
- ✓ 27---Repair of electric wires in Jewel Park street lighting system -
- ✓ 28---Lill Street paving plans and specifications for approval
- ✓ 29---Proposed Municipal Conference Resolution on police magistrate *not done 16th Oct*
- ✓ 30---Sales Tax report for July, 1963. 7,639.19.
- ✓ 31---Bid asking on Dutch Elm Disease chemicals
- ✓ 32---Amendment to stop sign ordinance No. 731 ✓ *1960 passed with ref. to village code*
- ✓ 33---Acceptance of Giancola water main construction project
- ✓ 34---News story on Lake Zurich's annexation of 300 acres *East Village to Deer Park*
- ✓ 35---Barrington Transportation Co. alleged zoning violation *Parking buses on Grove Ave - Ord. Committee.*
- ✓ 36---Equipment for Public Works building
- ✓ 37---Condemnation of burned-out motel - *tract book search*
- ✓ 38---Panker Apartments rezoning ordinance *B-1 to R-10.*
- ✓ 39---Roadside drainage on Skyline Drive, and Street Acceptance
- ✓ 40---Revision of village zoning ordinance by attorney
- ✓ 41---Detachment of Rowe land from Village of Barrington *325*
- ✓ 42---Bid on sanitizing village washrooms *42.86 per month. (7550) - 29 sanitarians*
- ✓ 43---Acceptance of Cumnor and Home Ave. paving projects - *sewer, as proposed*
- ✓ 44---Municipal Employees Retirement Program report -
- ✓ 45---List of bills for approval
- ✓ 46---Village audit covering past fiscal year *May 1, 1962 - April 30, 1963.*
- ✓ 47---Parking Lots Nos. 2 and 3 improvement plans *turn table.*
- ✓ 48---Painting of cross walk lines at street intersections
- ✓ 49---Fire and Police station building project.
- ✓ 50---Aerator for Central water pumping station

Village President's Report On Committee Assignments

For Board of Trustees Meeting October 14, 1963 at 8 P.M.

(Topics Subject to Change in Order of Listing)

B---Building and Fire Committee:

- b-1 Supreme Court Decision on Suit for Filling Station *ord*
- b-2 Barrington Transportation Zoning Violation on Grove Ave. *and*
- b-3 Equipment Acquisition for Public Works Building
- b-4 Condemnation of Burned-Out Motel Building
- b-5 Bids on Sanitizing Village Wash Rooms
- b-6 Architect for Fire and Police Station Project - *Village Hall*

F---Finance and Accounts Committee:

- f-1 Channel 11 TV Barrington Canvassing Endorsement
- f-2 Municipal Employees Retirement Project Committee Report
- f-3 Village Audit for past Fiscal Year 1962-1963
- f-4 Finance Accounting on Giancola Water Main Project
- f-5 List of Bills

O---Ordinance and License Committee:

- o-1 Ordinance Approval on Baur Lot R division
- o-2 Plan Commission Report on Cuba Road Lot Division
- o-3 Report of Plan Commission on Willard Rezoning Request
- o-4 Resolution on Magistrate Appointment (Northwest Conference)
- o-5 Amendment to Cook Street Stop Sign Ordinance
- o-6 Ordinance Approval on Panker Apartment Rezoning
- o-7 Authorization to Revise Village Zoning Ordinance

P---Police and Health Committee:

- 28th* p-1 Alarm Service from Village Hall to Police Station
- p-2 Approval for Design of Improvements in Parking Lots 1 and 2
- p-3 Renewal of Contract for Collecting Refuse in Village
- p-4 Recommendation for Amending Food Dealer License Ordinance
- p-5 Zoning Regulations for Operating Rest Homes *ord*

S---Street and Light Committee:

- Deferred* s-1 Opening of Bids for Truck and Snowplow
- ~~s-2 Russell Street Grading West of Russell Lageschulte Corner *ord streets*~~
- ~~s-3 Recommendation for More Light on South Hough Street *Center?*~~
- ~~s-4 Approval of Plans for Lill Street Paving Project *plans Sunday*~~
- Necessary repairs* ~~s-5 Repairs to Wire in Jewel Park Street Lighting System *elm road*~~
- ~~s-6 Bid Asking on Chemicals to Control Dutch Elm Disease~~
- s-7 Acceptance of Paving on Cunmor and Home Avenues
- s-8 Roadside Drainage Improvement on Skyline Drive
- s-9 Stripe Painting of Sidewalks at Street Intersections *Run*
- s-10 Repair or Replacement of Street Signs or Markers *Rec*
- s-11 Finishing the Surface on Village Hall Parking Lot *scale*
- s-12 Patching Holes on Sidewalks and Pavement *Continue*

W---Water and Sewer Committee:

- w-1 Acceptance of Giancola 1961-1962 Water Main Project
- w-2 Design of Aerator for Central Village Pumping Station
- w-3 Report on Improvements in Water Distribution System
- w-4 Adjusting and Painting All Fire Hydrants Before Winter

signed *John W. Blank* Village President

THOMAS A. MATTHEWS
BYRON S. MATTHEWS
ATTORNEYS

10 SOUTH LA SALLE STREET
CHICAGO 3, ILLINOIS

TELEPHONE CENTRAL 6-3500

SEYMOUR C. AXELROOD

October 3, 1963

C
O
P
Y

Mr. B. J. Zelsdorf,
Village Treasurer,
Village Hall,
206 South Hough Street,
Barrington, Illinois

Dear Jim:

After reviewing the file on the Giancola case,
plus the information supplied by Mr. Murphy of
U.S.F.&G, and your letter of October 1, 1963,
we reached the conclusion that the amount of
\$6,198.89 due to U.S.F.&G. be paid out to them
in order to close up this matter.

Sincerely yours,

Seymour C. Axelrod
Seymour C. Axelrod

SCA:f

CC - President and
all members of the
Board of Trustees

*Motion Board author the issue of check
to be tendered by the attorney upon receipt
of proper papers and stipulated acceptable to
our attorney.*

*Final meeting complete - requested by engineer
1964 - engineer*

THOMAS A. MATTHEWS
BYRON S. MATTHEWS
ATTORNEYS

10 SOUTH LA SALLE STREET
CHICAGO 3, ILLINOIS

TELEPHONE CENTRAL 6-3500

October 1, 1963

SEYMOUR C. AXELROOD

C
O
P
Y

President and Board of Trustees,
Village of Barrington,
Barrington, Illinois

Gentlemen:

With regard to the proposal to have us, as attorneys for the village, revise the zoning ordinance:

This revision would affect only the legal features and language of the ordinance; it would not make any changes or suggestions as to the boundaries of districts or the uses permitted in each district. The question of how tracts should be zoned, and what uses should be permitted is one for the zoning or planning experts to resolve, subject, of course, to the legal limitations on our powers.

The work would include correcting ambiguities and conflicts which now exist in the ordinance, eliminating confusing or unnecessary phrases, and clarifying the language so as to make it more readily understandable to the village officials, to the public, and the courts.

Certain provisions of the ordinance are illegal, and, of course, these would be eliminated. For example, the provision on planned developments defined as item 87 in section 3.2 and regulated commencing on page 28 amounts, in effect, to an illegal attempt to give the president and board the power to authorize in a special case what is prohibited by the zoning ordinance. Of course, that cannot legally be done, but each specific instance could be met by a change in the zoning ordinance itself, or by the grant of a variation, depending on the circumstances.

Throughout the ordinance there are many statements "of the purpose and intent" of the section following. This is confusing and entirely unnecessary. In fact, these statements usually contain a guide to be followed in the designation of the districts and uses permitted therein but are not a proper part of the ordinance. They are similar to the general principles of zoning set forth in the "Manual for Zoning" published by the Illinois Municipal League but have no place in the ordinance.

Included in the work would be inserting the amendments that have been passed since the ordinance was printed in pamphlet form.

President and Board of Trustees
Village of Barrington
October 1, 1963
Page 2

An example, appearing in the very second section of the ordinance is an elaborate statement of the purpose of the ordinance which is entirely unnecessary. The statutes prescribe the powers of the Board and the purposes to be accomplished. To repeat these statutory provisions is unnecessary and to attempt to add to them is useless and illegal. The definitions contained in Section 3 include many that are difficult to understand, as for example, the definition of lot which is defined as meaning a "zoning lot" and the term "zoning lot" has a definition which we fail to understand. The term "lot" has a simple meaning well recognized by the courts which should be used to replace what is now in the ordinance.

Similarly, some definitions include regulations within the definitions; of course, these regulations should be put in the appropriate place.

Our work would include redrafting the entire ordinance, and furnishing three copies to the Board for its examination.

If we are instructed to perform this work for the village, we would appreciate receiving comments before we start from every official and enforcement officer as to particular sections that have caused difficulty in the past.

As we informed the Board by previous letter, our charge for doing this work would be \$1,800.00.

Respectfully submitted,

Thomas A. Matthews

TAM:f

CC - to all Trustees of the
Village of Barrington