

VILLAGE OF NORTH BARRINGTON
ILLINOIS

BOARD OF TRUSTEES MEETING

NOVEMBER 26, 1962
CUBA TOWNSHIP OFFICE

8:10 P.M. - Roll: Present - Trustees Bliss, Forrest, Krumlinde, Lafferty and Urick.
Trustee Schunk was delayed and arrived later.

Trustee Urick moved that the minutes of the October meeting be approved as written - seconded by Trustee Lafferty and passed unanimously.

The president presented Resolution No. 98 for consideration - a resolution governing the rules of order and procedure for the Board of Trustees. Trustee Forrest moved that action on the resolution be delayed until the December meeting to allow time for careful review. Seconded by Trustee Krumlinde and passed.

The president asked for Officers' reports:

TREASURER: Mr. Keagy reported balances on hand as of November 26, 1962 as follows:

Corporate Fund	\$3,005.78
Police Cont. Fund	154.95
Petty Cash	25.00

The treasurer also reported on the condition of departmental appropriated accounts.

The president asked the attorney's opinion on the possibility of transferring unused or surplus funds from one department to another. Attorney Braithwaite advised the board is allowed, by a 2/3 vote, to transfer funds within the total appropriation from one fund to another. Mr. Braithwaite also advised in extreme emergency, clearly defined in the law, the board could, by 2/3 vote, raise the total appropriation. After discussion Trustee Urick, Chairman of the Trustees Committee on Finance, indicated he would consult with the treasurer to determine transferrability of funds.

Trustee Urick moved that the Treasurer's report be approved as read - seconded by Trustee Bliss and passed unanimously.

VILLAGE CLERK: The clerk presented for approval invoices totalling \$99.37. The clerk also asked the board to ratify the authorization given to the treasurer by the president to refund \$200 deposited with the Village by Liberty Asphalt Products Co. Inc., as guarantee under the road repair contract. Trustee Forrest moved that the invoices be approved for payment, and that the action of the president be ratified. Seconded by Trustee Krumlinde and carried unanimously.

POLICE DEPARTMENT: Chief Svacha reported that in addition to the routine patrols and assignments the officers had investigated the following complaints:

Dog stuck in the marsh

Serious BB gun damage

Vandalism at new construction sites and one vacant house, where the damage has been considerable.

Chief Svacha asked the Board's feeling on the possibility of the Village Police Department posting reward signs to discourage vandalism - and inquired as to the legal aspects of such action. It is the feeling of Chief Svacha and his department that posting such signs would have a psychological effect and would make the job of the department easier. The sign proposed by the Police Department would read:

REWARD
for information leading to
arrest and conviction of
persons damaging this property.

Chief Svacha also advised the Police Department is willing to set aside a nominal amount in the Police Contribution Fund for the reward. After discussion, and with concurrence of the Village Attorney, Trustee Urick moved to approve the Police Department's recommendation that rewards be posted for information leading to the arrest and conviction of persons damaging houses under construction, and vacant property. Seconded by Trustee Bliss and passed unanimously.

BUILDING OFFICER: Mr. Robert J. Kerr reported: 4 permits issued - two for garages and two remodelings - Total fees \$115.50.

ROADS: Supt. G. E. Davis reported:

Mr. Willard Berghorn will handle snowplowing for the Village this winter. However, Mr. Berghorn maintains a large herd of cows and - since the illness of his father - does all of the work himself. Mr. Davis feels this will present a problem and that other arrangements will have to be made in the future.

Also, consideration must be given to installation of road and street signs throughout the Village. Some streets do not have signs and some are not legible. Mr. Davis asked the board to consider for discussion at a later meeting whether the signs should be wooden signs with treated wooden posts, or steel signs and steel posts - and also the coloring. Mr. Davis and his commission will secure costs on the different types of signs.

FIRE COMMISSIONER: Mr. Eben Finger reported he has been considering the matter of publicity and perhaps a display of home fire-fighting equipment. He advised the State Insurance Commission and one other State agency recommend CO² and chemical type fire extinguishers for homes, but that no literature is available.

Mr. Finger reported he had been advised by Mr. Hans Huning that in the Civil Defense work there may be some home fire-fighting protection literature available.

The president advised Mr. Finger of the tentative plans to flood the athletic field for ice skating and requested that he explore the matter with the Lake Zurich Fire Department and ascertain if they would be willing to pump the water. Also, whether they would be willing to supervise Village volunteers in burning the grass on the field.

HEALTH OFFICER: In the absence of Dr. Jack Noyes the president reported forms have been prepared by the Health and Sanitation Commission for the purpose of notifying owners of suspected faulty septic systems.

CIVIL DEFENSE: Director Hans Huning reported that as soon as he receives sufficient literature from the Federal and County agencies he plans the following:

Send to every resident of the Village a package consisting of three to five pieces of informative literature concerning Civil Defense - from first aid to fall-out shelters, and everything in between, including a booklet called "Fire Fighting for Householders."

Send out a letter of general information of what the Village has, and what we intend to do.

Send out a questionnaire with the aim of taking an inventory in the Village of equipment and talent available - nurses, doctors, teachers etc.

Enlist the aid of the Boy Scouts to distribute the literature.

Perhaps accept the help of the Civil Air Patrol which has been offered.

Include residents in the periphery area in the plan.

Explore and possibly recommend two courses now available at the High School: (1) Medical Self-Help, which consists of first aid, and (2) Survival.

Relative to the budget, Mr. Huning advised he did not know at the moment what the Civil Defense Commission might need, but that purchase of a siren might warrant consideration, and in this regard he introduced his associate, Mr. Jack Arnold.

Mr. Arnold advised he had discussed the Civil Defense Program with Dr. Kishkunas of the North Barrington School, who was very interested both personally and from the standpoint of the school. Mr. Arnold read excerpts from a lengthy memorandum prepared by Dr. Kishkunas a year ago, outlining the program to be followed at the school in case of a disaster. One point emphasized by Mr. Arnold was that the Village now has no warning equipment of any kind in the event of an emergency, and while the school has a radio constantly tuned to receive warnings, they do not have sound warning equipment. The Civil Defense Commission feels the board should possibly consider the purchase of a siren, to be used in conjunction with the school radio. This matter will be further explored for consideration at a later board meeting.

PLAN COMMISSION: Relative to the restrictive covenants under previous discussion, Chairman Parsley read a memorandum prepared for the Plan Commission by Attorney Sam Lewis, a copy of which is attached to become a part of these minutes. Specifically with regard to the Signal Hill Unit, a meeting was held to discuss the subject and it is the Plan Commission's recommendation that the zoning remain as it now is - 5 acres. The primary reason for the Plan Commission's decision was that if the area was zoned according to the covenant it would in effect be spot-zoning, which would be difficult to uphold.

Mr. Parsley reported on the progress being made on the new maps. It is expected the zoning map of the village, which includes the $1\frac{1}{2}$ mile perimeter, will be completed this week.

The official map which will consist of four maps - one map per section - will designate roads, either present or future, playgrounds, school sites, etc.

Mr. Parsley indicated that with the experience gained in the preparation of the maps the Village can prepare maps at about $1/4$ the cost of professional cartographers.

Trustee Bliss moved to accept the report of the Plan Commission - seconded by Trustee Forrest and carried.

BOARD OF ZONING APPEALS: Vice Chairman Eberli reported a petition had been received from Mr. Larry Clavin to rezone his property on Signal Hill Road. The property consists of 9.14 acres, with the house and barn at one end. Since the house is now too large for the family Mr. Clavin desires to build another smaller house at the other end of the property, subdividing the property into two pieces. Public Hearing will be held at the Cuba Township Office on December 10, at 8:00 P.M., notice of which will be published in the November 29 issue of the Courier Review.

LAW: The president read letter, dated November 14, 1962, from Mr. J. William Braithwaite, accepting the appointment of Village Attorney at a retainer of \$50.00 a month. Copy of Mr. Braithwaite's letter is attached to become a part of these minutes.

Mr. Braithwaite asked for the floor and indicated concurrence with the Plan Commission's interpretation relative to the restrictive covenants.

The president asked for Trustees Committees reports:

FINANCE: Trustee Urick reaffirmed plans to get together with the treasurer to examine appropriations and the possible transfer of available funds.

PLANNING AND ZONING: Nothing to report.

ROADS AND PUBLIC UTILITIES: Trustee Krumlinde reported that as the Supt. of Roads is doing such a commendable job the Trustees Committee has no more to report.

POLICE AND PUBLIC SAFETY: Trustee Krumlinde presented Resolution No. 99 for adoption - a resolution appointing Paul J. Barta as assistant to the Chief of Police with the title of Lieutenant, and read excerpt from Chief Svacha's letter dated November 25, 1962, recommending the promotion. Trustee Urick moved for adoption of Resolution No. 99 - seconded by Trustee Forrest and passed unanimously.

Trustee Krumlinde also presented request of Chief Svacha for authority to purchase a used speed checking apparatus from the Village of Island Lake for \$100.00. It was the plan of the Police Department to pay for the equipment out of the Contribution Fund. During discussion it was the feeling of the board that payment should be made from corporate funds if possible. Decision was deferred until the Finance Committee can determine transferrability of funds for the purpose.

Trustee Krumlinde presented Resolution No. 100 - a resolution providing for the appointment of William H. Droeger and Jack K. McGregor as special policemen. After discussion Trustee Schunk moved for adoption - seconded by Trustee Urick and passed unanimously.

BUILDING REGULATIONS: As a matter of information Trustee Urick advised that the Trustees Committee, with the president, had reviewed proposed Health and Sanitation ordinances which will, when adopted, supersede Section 319 of the Building Code. The Health and Sanitation Commission have reviewed Section 319, and they, along with T. J. Westerberg - Professional Sanitary Engineer - have recommended that it be repealed or superseded by proposed Ordinance No. 35.1 - Regulation of Individual Sewage Disposal Systems - and proposed Ordinance No. 35.2 - Rules and Regulations Governing Minimum Standards - be adopted. At the moment the ordinances are in rough draft, and as soon as they are typed they will be reviewed with the Building Officer and Village Architect for presentation to the board.

OLD BUSINESS: The president advised -

The traffic signs have been picked up and installed by Bob Freking.

Information has been received from the Superintendent of Mails that two homeowners will be requested to relocate their mail boxes because of being in hazardous locations.

Mrs. W. J. Garvey is in the process of taking a census - as of November 15, 1962 - of the newly annexed areas, which should be completed by November 30, 1962.

NEW BUSINESS:

The president discussed with the board the expense the Village has incurred to hold public hearings and presented Resolution No. 97 - a resolution to establish the fees for filing appeals and petitions. After discussion Trustee Forrest moved for adoption - seconded by Trustee Urick and passed unanimously. This resolution will be published by the Village Clerk.

The president advised he had written to Messrs. Bairstow, Murphy, Coulson and Conolly protesting the law passed at the last legislature prohibiting school buses from using any signs and warning lights within a municipality when loading or discharging children. Replies have been received from Messrs. Bairstow and Conolly to the effect that some action will be taken to try to rectify this action at the next session of the General Assembly.

The president reported he, and Trustee Forrest, are working with Attorney L. D. Clarke in an effort to straighten out charges for legal services. The charges to the Village have been confused with charges to the North Barrington Association and others.

Mr. Eben Finger commended the Police Department for the way they handled the children on Halloween.

Mrs. Schunk advised the traffic on ~~Kimberly~~ at Rugby Road was too fast and there is great risk in entering Kimberly Road. Chief Svacha will include this in his study of the annexed areas.

Since the regular Board meeting will fall on Christmas Eve the president moved that the next meeting be on December 17 - seconded by Trustee Schunk and passed.

10:30 - Trustee Urick moved for adjournment - seconded and passed.

E. Schunk
Village Clerk

MEMORANDUM

NORTH BARRINGTON PLAN COMMISSION

ZONING ORDINANCE v. RESTRICTIVE COVENANTS

"THE ZONING ORDINANCE CONSTITUTES THE REGULATION OF LAND USE THROUGH THE EXERCISE OF THE POLICE POWER IN ACCORDANCE WITH A COMPREHENSIVE PLAN FOR THE ENTIRE COMMUNITY. IT IS ENTIRELY DIVORCED IN CONCEPT, CREATION, ENFORCEMENT AND ADMINISTRATION FROM RESTRICTIONS ARISING OUT OF AGREEMENT BETWEEN PRIVATE PARTIES WHO MAY, IN THE EXERCISE OF THEIR CONSTITUTIONAL RIGHT OF FREEDOM OF CONTRACT, IMPOSE WHATEVER RESTRICTIONS UPON THE USE OF THEIR LANDS THAT THEY DESIRE, SUCH COVENANTS BEING ENFORCEABLE ONLY BY THOSE IN WHOSE FAVOR THEY RUN."

Rathkopf, THE LAW OF ZONING AND PLANNING
Volume 2, P. 74-1

"THE ZONING RESTRICTIONS IMPOSED UPON A PROPERTY OWNER'S LAND ARE THE MEASURE OF HIS OBLIGATIONS TO THE COMMUNITY; THE PRIVATE COVENANT IS MERELY AN INDICATION OF THE MEASURE OF HIS OBLIGATION TO A PRIVATE PARTY, WHICH MAY OR MAY NOT BE ENFORCEABLE BUT WHICH CANNOT, IN EITHER EVENT, AFFECT THE NECESSITY OF CONFORMANCING TO THE COMPREHENSIVE PLAN SET FORTH IN THE ORDINANCE.

THE QUESTION HAS ALSO ARISEN IN CASES IN WHICH THE MUNICIPALITY IS SOUGHT TO BE ENJOINED FROM ENFORCING A STRICTER CLASSIFICATION OF PLAINTIFF'S LAND THAN THOSE IMPOSED BY THE RESTRICTIVE COVENANTS. THE SAME RULE APPLIES, REQUIRING CONFORMITY IN SUCH CASE TO THE ORDINANCE, THE BURDEN OF WHICH OBVIOUSLY CANNOT BE RELIEVED BY THE EXISTENCE OF A PRIVATE COVENANT."

Rathkopf, THE LAW OF ZONING AND PLANNING
Volume 2, P. 74-3, 74-4.

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FORMERLY
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WILLIAM KING
SIDNEY ROBIN
GEORGE PILLINGER
GEORGE W. GALE
ALEXANDER LOMINGER
WILLIAM BRANTENWATTS

November 14, 1962

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

Attention: Mr. C. R. Anderson
Gentlemen:

I acknowledge receipt of your letter dated November 1, 1962, from the Village President.

We accept the suggestion of your letter that we become legal consultants to the Village of North Barrington at a rate of \$150.00 per month. As stated in your letter our services would include a review and approval of minutes of the Board, preparation and review of routine motions, resolutions and ordinances and the usual routine telephone inquiries and other consultations.

We would not attend each Board meeting but would do so from time to time as might be required by the circumstances.

Any extraordinary services such as special ordinances, major amendments to zoning codes, building codes and other unusual matters will be billed on an hourly charge.

While our law firm would be the actual attorney of record, the undersigned, as a partner of the firm, would handle most situations and attend your Board meetings, except insofar as it might be necessary to have others in the office and in special research projects and be available in case of absence of the undersigned or vacation.

I understand that payment for our services will be deferred until you have an opportunity to include the necessary amounts in your appropriation and levy ordinances and until the funds are available.

