

## VILLAGE OF BARRINGTON HILLS

Minutes of the Regular Meeting November 23, 2009

President Pro-Tem Gohl called the Regular Meeting to order at 6:35 p.m. in President Abboud's absence. Roll Call.

### Present

Robert G. Abboud, President (arrived 6:45)  
Fritz H. Gohl, Pro-Tem  
Walter E. Smithe, Trustee  
Steve Knoop, Trustee  
Beth Mallen, Trustee  
Joseph Messer, Trustee

Doug Wambach, Village Attorney  
Robert Kosin, Director of Administration  
Michael N. Murphy, Police Chief  
Karen S. Selman, Village Clerk  
Dan Strahan, Village Engineer

### Guests

Dennis Gallitano, resident  
Jonathan Knight, resident  
Pat Taylor, resident  
Mary Taylor, resident  
Jean Maddrell, resident  
Gary Tobias, resident  
John Sanfilippo, resident  
Karen Rosene, resident  
John Gigerich, resident  
Dede Wamberg, resident  
Mitch Beiser, Night Light, Inc.

Trustee Ramesh was absent.

Trustee Smithe motioned to adjourn to Executive Session to discuss pending litigation and matters of personnel at 6:40 p.m. Trustee Mallen seconded. Roll Call.

Ayes: 5 (Mallen, Messer, Smithe, Knoop, Gohl,)

Nays: 0

Absent: 2 (Abboud, Ramesh)

**Meeting Adjourned**

### **EXECUTIVE SESSION**

President Abboud called the Public Meeting to order at 7:56 p.m.

### **MINUTES**

Trustee Gohl motioned to approve the minutes of the Regular Meeting of October 26, 2009. Trustee Mallen seconded. All present said Aye.

**Motion Approved**

Trustee Mallen motioned to approve the minutes of the Executive Session of October 26, 2009. Trustee Gohl seconded. All present said aye.

**Motion Approved**

Trustee Smithe motioned to dispose of the recording of the Executive Session of February 25, 2008. Per state law, these records have been kept for eighteen months. Trustee Mallen seconded. All present said aye.

**Motion Approved**

**PUBLIC COMMENT**

Mr. Dennis Gallitano, of 4 Fernwood Drive, representing the Homeowners Against the Lighting Ordinance (HALO), expressed their objections to the Draft Lighting Ordinance. He said the group did not believe the draft ordinance could be rehabilitated and asked that it be dropped entirely. President Abboud explained the process of any zoning text amendment and how the ZBA holds extensive discovery hearings before making a recommendation to the Board of Trustees. Because this issue concerned portions of the Comprehensive Plan, the Plan Commission initially began discussing the issue in public meetings in March, 2008. President Abboud explained that recent public hearings were part of the ZBA's process to get public comment. Mr. Jon Knight, chair of the ZBA, explained that the role of the ZBA is to gather information and that it is in the process of doing that. Since the ZBA has not completed its work, he believes any discussion concerning the specifics of the proposed ordinance is inappropriate at this time. President Abboud advised the audience that the Board would not short-circuit the process. Mr. Knight believed that there would likely be several more ZBA meetings before a recommendation is made to the Board. President Abboud underscored the importance of the hearing process admitting that it's long, but said to short-circuit it would lead to direct liability for the Village.

Ms. Dede Wamberg, 7 Fox Hunt Road, requested the Board to consider community comments on the draft ordinance. Mr. John Gigerich 373 W. County Line Road, voiced his concern that as a resident who pays attention to the Village minutes, he was unaware of the Plan Commission's work on the Draft Ordinance. When asked who determined that the Village would become a "Dark Sky" community, President Abboud referenced the Comprehensive Plan, which from its inception described the Village as a dark sky community. Mr. Gary Tobias, 235 Donlea, complained that he had recently completed \$55,000 in outdoor lighting and that throughout the Village permitting process nothing was said about this proposed Lighting Ordinance.

President Abboud spoke of the challenges of communications within the Village with some twelve different committees working on different issues. He said the Village is working on better ways to get "the word out" to its residences in addition to posting meeting minutes and sending out Village wide post cards.

Jean Maddrell, 10 Ashbury Lane, said that although she knew of the proposed ordinance, the residents were not advised of its impact. She questioned if future discussions would show the impact, particularly on the residents with one to two acre parcels. She assured the Board that her neighborhood of one-acre parcels would not be in compliance of the ordinance as it stands.

Trustee Knoop sought to correct some of the HALO group's misunderstandings by assuring the members present that the proposed ordinance was not about gaining the International Dark Sky Association designation, but about the Comprehensive Plan. Trustee Knoop further noted that while he is a liaison to Plan Commission, he did not write the proposed lighting ordinance and does not have a vote on the Commission. It was pointed out that this might have been implied on the Village's web site which Mr. Knoop requested to be corrected.

President Abboud urged HALO members to trust the process and respect the volunteer members of the Plan Commission and ZBA. He believed their attempts to foster discussion, which he sees as the best way to a resolution. Mr. Gallitano responded that hundreds of residents will not be in compliance, and President Abboud reminded him that the underlying requirements for compliance had yet to be determined.

Mr. Pat Taylor, 88 Otis Road, asked the history of the Board's following recommendations from the ZBA. President Abboud responded that the Board could accept the recommendation as is, oppose, or change the original. He added that although the Board has wide latitude, it always takes the ZBA evidence and recommendation(s) seriously. Trustee Knoop added that the Plan Commissions proposed draft was to establish a starting point for discussion. He emphasized that no village body has approved the Draft Lighting Ordinance.

Several concerns were raised regarding the original presentation of the Draft Lighting Ordinance and Trustee Knoop acknowledged that it could have been improved, but the Plan Commission had a difficult time rehearsing so not to violate the Open Meetings Act. He reiterated President Abboud's request for everyone to understand the process and support it.

Separately, Mr. Tobias complimented Chief Murphy on the Police Department and said the officers responded to an accident in front of his home, and that they were friendly, nice, and efficient.

The Public Comment period ended at 9:18pm.

#### **FINANCE - Walter E. Smithe**

Village Treasurer's Report - Trustee Smithe motioned to accept the Treasurer's Report for the month of November, 2009. Trustee Mallen seconded. All present said aye.

**Motion Approved**

Police Pension Board Report - Trustee Smithe motioned to accept the Police Pension Board's Report through October 30, 2009. Trustee Mallen seconded. All present said aye.

**Motion Approved**

Overtime Reports – Trustee Smithe motioned to approve \$8,740.34 in overtime expenses for expenses up to November 18, 2009. Trustee Mallen seconded. Roll call:

Ayes – 6 (Messer, Mallen, Knoop, Smithe, Gohl, Abboud)

Nays – 0

Absent – 1 (Ramesh)

**Motion Approved**

Presentation of Bills – Trustee Smithe motioned to approve payment of the bills for the month of November to date of \$304,325.34 and \$130,715.97. Trustee Mallen seconded. Roll call:

Ayes – 6 (Messer, Mallen, Knoop, Smithe, Gohl, Abboud)  
Nays - 0  
Absent -1 (Ramesh)

Budget - Trustee Smithe motioned to approve the 2010 budget. Trustee Mallen seconded. Roll call:

Ayes – 6 (Messer, Mallen, Knoop, Smithe, Gohl, Abboud)  
Nays – 0  
Absent – 1 (Ramesh)

**Motion Approved**

**ROADS AND BRIDGES – Village Engineer**

Drainage Program - Dan Strahan reported that the program is moving along with the patching of culvert crossings. The River Road drainage project is now complete. Also, the surface patching and punch list work is now complete for the 2009 Road Program..

Shoulder work maintenance will be done on Oak Knoll Road this week.

President Abboud asked about Church and Chapel Roads and Mr. Strahan responded that it was decided to wait and observe the water levels. President Abboud suggested to Mr. Strahan that he put a letter to the Board reviewing all residents' comments and technical aspects and stating that the Village will do its best to maintain availability of the road and its open access. This letter will be sent to residents in the northwest quadrant of the Village. The Village will continue to technically evaluate the conditions of these roads.

President Abboud announced a private road workshop to be held in January. He will meet with Trustee Ramesh to plan this meeting. Burning Oaks Trail should be added to the group. Director Kosin will manage the process.

**PUBLIC SAFETY – Fritz H. Gohl**

Trustee Gohl motioned and Trustee Smithe seconded to adopt a resolution authorizing the Village to proclaim November and December as the Operation Save 100, which calls upon the community to promote awareness regarding impaired driving, safety belt compliance and distracted driving problems, to support programs and policies to reduce the incidence of impaired, aggressive, distracted and unbelted driving and to continue to promote safe driving during the Operation Save 100. Roll Call:

Ayes- 6 (Messer, Mallen, Knoop, Smithe, Gohl, Abboud)  
Nays- 0  
Absent -1 (Ramesh)

**Resolution 09-22 Approved**

**BUILDING & ZONING – Elaine M. Ramesh**

Director Kosin reported that the ZBA meeting regarding the Draft Lighting Ordinance continued at Countryside School. All who chose to comment were heard and comment were concluded. The ZBA will continue discussing this amendment during its January meeting. The petition for Special Use on Old Dundee, Fur Keeps, was continued to December for the applicant to provide more information.

Director Kosin reported that fifty-six annual permits were issued to date in 2009, which is 50% less than the previous year.

**PLANNING – Steven E. Knoop**

President Abboud thanked the Plan Commission and its recent hard work on the Draft Lighting Ordinance for the Village, and acknowledged how difficult a task it was. Trustee Knoop echoed this sentiment and noted that the members had spent considerable volunteer time in this effort. President Abboud underscored the Village's dependence on volunteers and voiced his concern regarding the criticism endured by the Plan Commission members. He will send a note to them expressing the Board's gratitude for their efforts.

**INSURANCE – Walter E. Smithe**

Trustee Smithe reported that the insurance bids are included in the budget.

**HEALTH, ENVIRONMENT, BUILDING & GROUNDS - Beth Mallen**

Trustee Mallen asked Director Kosin to report on the condition of the roof at the Fire Station and subsequent repair efforts initiated by the Fire District. Since the Village was not consulted and the lease agreement with the Fire District does not authorize building repairs by the Fire District, the Fire District's attorney will direct the contractor to seal-up the roof. The Village will repair the roof in the Spring.

Trustee Mallen reported that the Village Hall has a new Uninterrupted Power Supply that supports the entire Dispatch Center. The generators will still used for back-up.

**ATTORNEY – Douglas Wambach**

Attorney Wambach presented a Resolution Authorizing the Execution of An Agreement with Prairie Pointe Center Development LLC. Trustee Smithe motioned to adopt this resolution. Trustee Mallen seconded. President Abboud agreed and said Attorney Wambach should proceed and bind the Village to the contract, with the noted changes. He directed Attorney Wambach to move the resolution forward and to get a draft, per the discussion in Executive Session. All present said aye.

Attorney Wambach reported on the Open Meetings Act, noting that an amendment to the Act creates two offices: Open Meeting Act Officer and Freedom of Information Act Officer. Director Kosin announced that the Attorney General will hold a seminar at McHenry College on the OMA.

**ADMINISTRATION – President Abboud**

There will be no appointments made at this meeting. There are appointment openings for the ZBA, Police, and Legal.

**Communications – Fritz Gohl**

President Abboud announced there would be the distribution of e-mail to all appointed officials addresses throughout December. Effective March 1, 2010, all paper packets will be replaced with electronic packets.

Trustee Smithe motioned to adjourn the Public Session at 10:13 p.m. Trustee Gohl seconded. All present said aye.

**Meeting Adjourned**