

VILLAGE OF BARRINGTON HILLS

Minutes of the Special Board Meeting October 5, 2010

President Abboud called the Special Meeting to order at 6:35 p.m. Roll Call.

Present

Robert G. Abboud, President
Fritz H. Gohl, President Pro Tem
Walter E. Smithe, Trustee
Steven E. Knoop, Trustee
Beth Mallen, Trustee
Joseph S. Messer, Trustee

Absent

Elaine M. Ramesh, Trustee

Michael N. Murphy, Police Chief
Doug Wambach – Village Attorney
Robert Kosin, Director of Administration
Karen Selman, Village Clerk

Guests

David Stieper, resident
Darla Stieper, resident
Alford Zick, resident
Peer Lykke, resident
Dan Lundmark, resident
Diane Wamberg, resident
John Rosene, resident
Jon Knight, resident
Karen Rosene, resident
Bobby Ferguson, resident
Dawn Davis, resident
JR Davis, resident
Tony A. Solano, Pioneer Press

BUILDING & ZONING – Joseph S. Messer

President Abboud reviewed the agenda for the Special Meeting, noting that the Village attorney, the Chair of the ZBA, and Chair of the Plan Commission would speak followed by Trustee discussion; then public comment would be taken. President Abboud gave a summary of the issue, including Trustee Smithe's text amendment of the Lighting Ordinance, and a schedule of the October 25th meeting.

Village Attorney Wambach advised that State Statute must be followed to place a referendum on the ballot. The provision requires approval by a majority of members of the board, and the action must be taken 61 days prior to April 5th. It requires that the Clerk provide a copy of the ordinance to be placed on the ballot, that no more than three questions may be placed on the ballot, and that the questions must be able to be answered with a "yes" or "no". Attorney Wambach noted that the most difficult challenge is wording the question.

President Abboud provided the history of the proposed lighting ordinance. Trustee Knoop brought the issue to the Board originally. The Trustees remanded the issue to the Plan Commission, then voted six to one to remand the draft ordinance to the ZBA for public comment and assessment. Trustee Ramesh opposed. The ZBA worked for two months on the draft and took public comment.

President Abboud asked for Trustee discussion. Trustee Smithe motioned to have the Village Attorney prepare an ordinance for consideration at the next regularly scheduled board meeting. The ordinance would provide that at the general election on April 5, 2011, the ballot contain an advisory referendum with the question “Should the Village of Barrington Hills’ Board of Trustees consider an ordinance regulating artificial lighting of residential property as proposed by the Village Zoning Board of Appeals” and that said proposed ordinance will be tabled until the referendum results have been reported. Trustee Mallen seconded.

Jon Knight, ZBA Chairman, read testimony on the process and the work of the ZBA and Plan Commission. Chairman Knight reminded the Board of the authority given it by the people and expressed his extreme disappointment to hear a motion to dismiss this draft ordinance. In his opinion a vote by any Trustee to move this ordinance to referendum would be further demonstration of a lack of understanding of the legal zoning process and role of an elected official in the Village and be cause for their removal from office.

Plan Commission Chair, Dave Stieper echoed Chairman Knight’s comments. He reminded the Trustees of their commitment to the Board-approved Comprehensive Plan and asked them not to succumb to political opportunists, but to “uphold our process as a public official”.

Peer Lykke, 4 Barrington Bourne, spoke in support of the testimonies given and said he approves of the process and has confidence it will produce a positive outcome for the Village.

Dan Lundmark, 23 Bow Lane, addressed his comments to Trustee Smithe and expressed his disappointment in Trustee Smithe’s performance. He added that in his opinion the motion brings 5-acre zoning into question, thus creating such complexity that will prohibit electorate understanding.

Bobby Furgeson, 7 Eagle Point Drive, stated that she thought it was good to let the people speak and to find out what they want.

Diane Wamburg, 7 Fox Hunt Trail, spoke in support of Trustee Smithe, whom she thought had shown much courage throughout the process. She observed that without Trustee Ramesh, the referendum proposal was bound to fail and suggested the Board go ahead and vote.

Hal Zink, 11 Rolling Hill Drive, commented on the caustic and unnecessary comments made during the evening and said the silent majority would speak in April.

Board discussion continued with Trustee Mallen directing her comments to both Chairmen Knight and Stieper. She acknowledged their hard work and time spent on the proposed lighting ordinance and thanked them. She added that she did not think that all people were heard at the ZBA hearings and that now common sense must prevail.

Trustee Messer reiterated his concern, stated when he seconded Trustee Smithe's original motion, that the residents would not have the necessary information to make an informed decision. He acknowledged the difficulty with wording the question and added that he thinks the Trustees have a responsibility to at least "take a crack" at the Draft Ordinance. Trustee Messer noted that the draft ordinance does not appear overbearing in that it proposes a lot of light per acre.

Trustee Knoop suggested that the proposed motion before the Trustee Board is about zoning and whether or not the current character of the Village should be maintained, not about whether we should have more or less government. He noted that he ran on a platform to defend the Village character and its five-acre zoning and that he stands up for that.

Trustee Gohl asked Attorney Wambach if the language for the referendum was drafted. Attorney Wambach said he would have to draft the language. Trustee Gohl said he believed the ZBA had done a good job and that there had been opportunity for public comment. He added that he would not be bullied by any individual or group.

President Abboud gave a brief history of the Village's past referendums and noted that the current draft lighting ordinance had undergone a two and one-half year process of committee assessment and public comment. He added that he believes that the character of the Village and the Comprehensive Plan must be defended. He cited neighboring communities whose characters have been drastically altered because they did not.

The question was called. Roll call:

Ayes- 2 (Mallen, Smithe)
Nays –4 (Messer, Knoop, Gohl, Abboud)
Absent – (Ramesh)

Motion Failed

ADMINISTRATION – President Abboud

President Abboud announced three new appointees to Commissions, Boards and Committees.

Kelly Mazeski is appointed to the Plan Commission to replace Peter Grande, whose term expired in April, 2008.

Trustee Gohl motioned to accept President Abboud's appointment. Trustee Smithe seconded. All present said Aye.

Appointment Approved

Dara Valin is appointed to the ZBA to replace Byron Johnson, whose term expired in April, 2010.

Judy Freeman is reappointed to the ZBA from 2010 to 2015.

Bruce Pfaff is appointed to the Equestrian Committee to replace Dara Valin.

Trustee Gohl motioned to approve the appointments. Trustee Smithe seconded.

During discussion of the question, Trustee Mallen asked why Mr. Johnson was being replaced at this time. It was noted that Mr. Johnson had agreed to serve through the Commercial Boarding issue. President Abboud said his term was up so he was replacing him. Trustee Mallen said she did not feel it was correct for the ZBA to have such a heavy equestrian vote with the Commercial Boarding issue due up next. Trustee Mallen wanted it noted that her objection and vote did not reflect on Ms. Valin.

After discussion, Trustee Gohl changed his motion to vote on these candidates individually.

Trustee Gohl motioned to approve Dara Valin's appointment to the ZBA. Trustee Smithe seconded. Roll call:

Ayes - 4 (Messer, Knoop, Gohl, Abboud)

Nays - 2 (Mallen, Smithe)

Absent – (Ramesh)

Appointment Approved

Trustee Gohl motioned to approve Judy Freeman's appointment to the ZBA for a five-year term. Trustee Smithe seconded. All present said Aye.

Appointment Approved

Trustee Smithe motioned to approve Bruce Pfaff to the Equestrian Committee. Trustee Gohl seconded. All present said Aye.

Appointment Approved

President Abboud announced his request to reappoint the existing members of the Equestrian Commission. Trustee Gohl motioned to approve the appointments to the Equestrian Commission of Dan Lundmark, Emily McHugh, Jane Clement and John Pappas. Trustee Knoop seconded. All Present said Aye.

Appointments Approved

President Abboud announced his request to reappoint the existing members of the Board of Health. Trustee Gohl motioned to approve the Board of Health appointments of Gwynne Johnston, Frank Konicek, Anne Majewski, Shirley Conibear and Chet Ryndak. Trustee Knoop seconded. All present said Aye.

Appointments Approved

President Abboud announced his request to reappoint the existing members of the ESTB. Trustee Knoop motioned to approve the ETSB E-911 Board appointments of George Moser, Fritz Gohl, Walter Smithe, Patrick Hennelly and Joanne Gumprecht. Trustee Messer seconded. All present said Aye. Trustees Gohl and Smithe abstained.

Appointments Approved

President Abboud announced his request to appoint to the Communication Committee of Linda Fox, Barbara Kemp, Victoria Kelly and Mike Zachar. Trustee Mallen motioned to approve the appointments to the Communication Committee of Linda Fox, Barbara Kemp, Victoria Kelly and Mike Zachar. Trustee Gohl seconded.

Trustee Mallen questioned why Pam Cools and Laura Ekstrom were not included with the other reappointments. Trustees Gohl and Smithe agreed and felt that both Dr. Cools and Ms. Ekstrom were essential members. President Abboud then informed the Board that we needed to remember that all committee members serve at his pleasure. Trustee Mallen informed the President that she felt it was because of a personal bias.

Trustee Mallen then asked that her concerns about the appointments and the non- appointments be noted in the Minutes.

Discussion followed regarding Trustee Mallen's wish to included additional members to the Committee. President Abboud agreed to talk to the additional candidates. All present said Aye.

Appointments Approved

President Abboud announced his request to reappoint the existing members of the Beautification Committee. Trustee Gohl motioned to approve the appointments to the Beautification Committee of P. Denise Israel, Anne Horwath, Betsey Bramsen, Jan Sheppard, Donato Cantalupo and Lorraine Briggs. Trustee Mallen seconded. Trustee Mallen noted that Bill and Carolyn Springer had resigned and been replaced with Chuck Prettyman and Patti Fahey. All present said Aye.

Appointments Approved

President Abboud announced his request to reappoint Alan Hoffman and Frank Cools to the Legal Committee. Trustee Gohl motioned to approve the appointments to the Legal Committee of Alan Hoffman and Frank Cools. Trustee Smithe seconded. All present said Aye.

Appointments Approved

EXECUTIVE SESSION

There was no business for Executive Session.

Trustee Gohl motioned to adjourn the Public Session at 8:16 p. m. Trustee Mallen seconded.
Roll Call:

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

Meeting Adjourned