

Village Minutes
Feb 1955 - Dec 1960

MINUTES OF
REGULAR BOARD MEETING
OF THE PRESIDENT AND
BOARD OF TRUSTEES
HELD 10/17/60

The President called the meeting to order at 7:40 P.M. The Clerk called the roll and the following Trustees were found to be present:

HAROLD HENRY
EUGENE ALSDORF

OTIS CARTER
FRED CARGILL

Trustees Dumas and Gieseke were absent.

The President inquired if everyone had read the minutes of October 3, 1960. Trustee Alsdorf made a motion the Board accept the minutes of October 3, 1960 as written and they be placed on file. Trustee Henry seconded the motion. The Clerk called the roll:

Cargill.....Aye
Alsdorf.....Aye

Carter.....Aye
Henry.....Aye

The subject of communications was first on the agenda. The Clerk read a letter dated October 3, 1960 from Lorraine Glueck, wherein she tendered her resignation effective October 31, 1960. Trustee Alsdorf made a motion the Board accept the resignation of Lorraine Glueck. Trustee Carter seconded the motion. The Clerk called the roll:

Cargill.....Aye
Alsdorf.....Aye

Carter.....Aye
Henry.....Aye

Trustee Alsdorf made a motion the Board hire Mrs. Josephine Kunowski as the assistant to Mrs. Diens, the Village Clerk, for recording of the minutes of the Board Meetings. Trustee Carter seconded the motion. The Clerk called the roll:

Cargill.....Aye
Alsdorf.....Aye

Carter.....Aye
Henry.....Aye

Next on the agenda was the Treasurer's Report. Trustee Carter read the report for September 1960. Trustee Carter made a motion the Treasurer's Report for September 1960 be accepted as read. Trustee Alsdorf seconded the motion. The Clerk called the roll:

Trustee Henry read the Police Chief's Report for the month of September 1960 covering convictions and complaints which compared as follows with previous years:

<u>1960</u> 277	<u>1959</u> 231	<u>1958</u> 226	<u>1957</u> 147	<u>1956</u> 96
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Trustee Henry made a motion the Police Chief's Report for the month of September 1960 be accepted as read. Trustee Carter seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

Reports of Committees was next on the agenda. Trustee Henry advised the Board that since June of this year, repairs on two squad cars amounted to over \$1,000.00 and he believed it would be a good idea if the Village re-advertise for bids on new squad cars inasmuch as they are getting to the point where they are running into a lot of money.

Trustee Henry made a motion the Clerk be advised to re-advertise for bids on new squad cars, opening date of November 7th. Trustee Carter seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

OLD BUSINESS

Phoenix Construction Company was next on the agenda. The Board was advised Mr. Newman's attorney had not arrived as yet; therefore, this matter was held in abeyance until later on during the meeting.

Amendment to the new Liquor Ordinance was next on the agenda. Attorney Dahl advised the Board he had spoken to Trustee Gieseke who indicated that it was his feeling (don't know whether he spoke for all members of the Committee) that the ordinance which he, as the Committee Chairman, would recommend was the ordinance prepared reinstating provision of #233 prior to amendment in April of 1958. Attorney Dahl then read Ordinance #640.

Trustee Alsdorf made a motion all contrary rules be suspended and Ordinance #640 be placed upon its passage. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

The President declared Ordinance #640 may now be passed.

Trustee Alsdorf made a motion that Ordinance #640 be passed by this Board. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

Trustee Carter made a motion all license holders in the Village be given a copy of the Liquor Ordinance. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

Attorney Dahl then read Ordinance #641, an ordinance amending the provision of Ordinance #547 relating to license fees to sell alcoholic liquor.

Trustee Alsdorf made a motion all contrary rules be suspended and Ordinance #641 be placed upon its passage. Trustee Cargill seconded the motion.

Trustee Carter inquired if the petitioners were in the audience and had anything to say. Mr. Frieberg stated he spoke on behalf of the Rick Caseres Recreational Center, who had requested him to ask the Board to defer any action on their petition until the next Regular Board Meeting.

The Clerk called the roll:

Cargill.....aye	Carter.....Abstained
Alsdorf.....Aye	Henry.....Aye

Trustee Alsdorf made a motion Ordinance #641 be passed by this Board. Trustee Cargill seconded the motion.

Trustee Henry inquired what guarantee the Board would have that the bowling alley would get the license if such an Ordinance was passed. President McIntyre stated this question had been brought up three or four times, to which Trustee Henry replied, yes but it had never been answered - that it was entirely up to President McIntyre to place the licenses once they were created.

Trustee Alsdorf stated that as he recalled, there have been only two petitions honored by this Board, the others were rejected, to which President McIntyre replied, that is correct. Trustee Carter inquired what bearing that would have on a petition, to which President McIntyre stated Attorney Dahl could answer that for him.

Attorney Dahl informed the Board it is within the discretion of the Liquor Commissioner who will get those licenses and as far as he (Dahl) knew, there was no order of priority - the Liquor Commissioner can issue those licenses to whomever he wishes; the fact the Board rejected a petition, doesn't mean a license cannot be issued to that party.

Mr. Gerald Stevenson (Steya's Drive-Inn), a petitioner, stated he didn't know his petition had been rejected.

Trustee Carter stated it might be wise, before increasing the licenses, to take into consideration one of the petitioners had asked for deferment of action. Trustee Carter went on to say he believed this matter should be held in abeyance until the next Board Meeting.

Trustee Alsdorf inquired of Mr. Frierburg if he represented the Rick Casares Bowling Alley, to which Mr. Frierburg stated, no, however, inasmuch as representatives from the Recreational Center were unable to attend this meeting, they had asked him (Frierburg) if he would be present and if so, to make that statement to the Board.

Trustee Alsdorf stated he wished to withdraw his motion on Ordinance #642, to which President McIntyre replied, a motion such as this could be voted down but not withdrawn.

Attorney Dahl stated that ordinarily any motion can be withdrawn, however, this Ordinance had advanced to the passage stage and it would be his suggestion that Trustee Alsdorf solve this problem by asking for unanimous consent from Board Members to withdraw his motion.

Trustee Alsdorf then said he was sorry he requested withdrawal of his motion and wished it reinstated. The Clerk called the roll:

Cargill.....Aye	Carter.....Nay
Alsdorf.....Nay	Henry.....Nay.

Trustee Henry made a motion Mr. Frierburg be allowed to address the Board. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Nay	Henry.....Aye

Mr. Frierburg stated he had only relayed the message given him by representatives of the Rick Casares Recreational Center and although he could not speak on their behalf, he would like to point out to the Board that the fact these people were not present tonight, did not mean they were not interested in obtaining a license. Mr. Frierburg went on to say he had been told certain problems had arisen last week and these people would rather have completed their plans before asking the Board for consideration.

Next on the agenda was the Dundee-Sanders Annexation. Mr. Shapiro advised the Board that although mentioned in their original proposal, there were two parcels of property for which they did not have signed petitions for annexation as the property owners had not been available; one being John W. H. & Norma C. Freeman, the other being the Chicago National Bank under Trust #16579 dated April 7, 1960, not individually. Mr. Shapiro asked that these two parcels, Dundee and Sanders Roads, be considered along with their original request. Mr. Shapiro presented the Board Members with a copy of the agreement and showed them on a map exactly where these two parcels were located.

Proposed to be zoned in which if this property was listed in the proposal as commercial, to which Mr. Shapiro replied, yes, the same property could be zoned for commercial use, which would eventually be reviewed through the zoning Board of Appeals, and that the property on Park Road was not being reviewed for commercial use. It was brought to the Board's attention that all property coming into the Village is zoned R-2 (6,500 sq. ft.), subject to request for re-zoning.

Mr. Shapiro presented the Village Clerk with the original of two petitions. Attorney Dahl read the Agreement Supplemental to September 19, 1960 Proposal. Attorney Dahl suggested if the Board was in favor of adopting this agreement and the addition of 14 acres to the territory previously annexed, that the proper motion would be to authorize the execution of the Supplement of September 19, 1960 Agreement and thereafter the adoption of the ordinance.

Trustee Alsdorf made a motion Rudolph Johnson have the opportunity of addressing the board. Trustee Henry seconded the motion. The Clerk called the roll:

Cargill	Yes	Carter	Yes
Henry	Yes	Henry	Yes

Mr. Johnson stated he had been present at the meeting when Mr. Shapiro first presented his plan for annexation of 325 acres and at that time he had wondered whether or not the Board was qualified to vote on this annexation. He went on to say that at that time no one questioned the effect of taxes on the other residents of Wheeling and in his understanding the territory surrounding this 325 acres had already reached the maximum for schools, therefore, the Village of Wheeling would, undoubtedly, be called upon to foot the bills for these schools. He also stated no questions had been asked with respect to the storm drainage and water facilities although a very sketchy presentation of them had been made. Mr. Johnson further stated that he hadn't heard tonight that the Board had received a report from the Planning Commission with whom they were suppose to meet. Mr. Johnson

inquired if the Board had any knowledge of what the Planning Commission thought about this annexation; if so they should make it public, if not, he didn't believe the Board should proceed with further annexation.

Mr. Shapiro stated he had met with the Planning Commission and had planned to meet with them again tomorrow but had been asked to defer the meeting for two weeks. He also stated he had met with the school officials and under no circumstances did he feel that the Village of Wheeling, itself, would be called upon to provide for these school facilities. He further stated he thought the Board had been informed what their intentions were and they did not present themselves with tongue in cheek. He went on to say, there is nothing in the ordinance of this Village, or any Village, that permits a Board to tell the builder precisely what the nature of construction of building he can have. Mr. Shapiro advised the Board that he would be very happy to meet with the people of Wheeling at which time he would bring his engineers to answer any questions.

Trustee Alsdorf mentioned Mr. Shapiro had stated this Board or any officials of this Village had no control as to the type of construction, to which Mr. Shapiro replied, he didn't recall making that statement; but if he did, didn't mean to give that impression.

Trustee Alsdorf stated it seemed to him that most of the Board Members wanted more subdivisions and asked if they thought it was to the advantage of Wheeling to put up more homes.

Mr. Johnson then read an article from the Wheeling Herald with respect to where the taxpayer stands.

Trustee Alsdorf then made a motion the petition for annexation be rejected by this Board. He went on to say he did not make the motion because of what Mr. Johnson or the article said; also that if he had been present at the meeting when this property was originally annexed, he would have fought against it.

Inasmuch as there was no second to Trustee Alsdorf's motion, the Board was polled:

Cargill.....Nay
Carter.....Nay

Henry.....Nay

Mr. Shapiro then stated this was not, in his opinion, an additional annexation, but a part of the annexation asked for in the original presentation. He further stated he would be very happy to again meet with the School District involved in this area although when he had previously met with a Mr. Beck and a Mr. Bay Smith, they had discussed what they expected of him and he thought they had arrived at some basis of mutual understanding. Mr. Shapiro went on to say until such time as there is a plat of subdivision approved by this Board, they had no right to record with the County Recorder, therefore, all they have is a piece of land in acreage, unsubdivided.

A statement was made that tax money would not be available to the school district until approximately one and a half years after the schools were in operation, to which Mr. Shapiro stated if that problem arose he, as a developer, would be happy to assist the school district overcome that burden.

Mr. Shapiro stated that what had been proposed up to this particular point, the Board had not been circumspect in their duties.

Trustee Carter asked Attorney Dahl to explain the Annexation Agreement to Trustee Alsdorf as he apparently hadn't had time to read it judging by his preconceived ideas. Attorney Dahl then explained that up to now the Board had, more or less, consented to see whether or not the Village and this developer can come to an agreement to build homes in Wheeling. If they cannot arrive at an agreement, there will be a disannexation as though nothing occurred, and by annexing this additional 14 acres, the Board has the same agreement.. Attorney Dahl went on to say the Board, by a five to nothing vote, told this developer they wanted annexation.

President McIntyre stated the Board has an agreement before them and asked what was their pleasure.

President McIntyre stated both items, #4 and #5, were to be placed on the agenda for the next Regular Board Meeting.

Woodvale Lake Estates was next on the agenda. Trustee Alsdorf made a motion this matter be placed on the agenda for the next Regular Board Meeting. Trustee Carter seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

The President declared that this matter was tabled until the next Regular Board Meeting.

NEW BUSINESS

Petition for agreement for annexation of property - south boundary Mayer, east by Village line, parallel to Wolf Road - 2 acres in Village, rest in County.

Attorney Dahl read the petition. Mr. Kloman, representative for the owners of this property, presented the Board members with a Plat of Survey dated August 6, 1959. Attorney Dahl then read the Agreement between the Village and Carl V. Carlander.

Mr. Kloman advised the Board there were approximately 2.2 acres of land lying in the Village, the balance of the property was in the county and they were desirous of securing an annexation on the same piece on which the front portion is zoned. He further stated they felt that in a situation like this, it would be extremely advantageous to have this property brought into the Village as it would be used solely for manufacturing. Mr. Kloman went on to say that 9th and 10th Streets dead end to the south of this area and they have provided, by dedication to the Village, land 30 feet in width from the center of 11th Street to Wolf Road.

Trustee Cargill inquired if the owners had anything in mind for this property, to which Mr. Kloman stated, the land was just for sale, however, its best use would be for manufacturing and that is the reason they are trying to rezone this property.

Rockroad Construction Company and made application through them for a contract and a performance bond. Mr. Danish stated most insurance companies will not write a performance bond, but instead want a completion bond which has to be approved by the Home Office. Such a bond has been submitted to one insurance Company and it was their understanding, Rockroad Construction have submitted it to their insurance company and as soon as a reply is available, they will be able to present it to the Board. Mr. Danish asked that this matter be continued until the next Regular Board Meeting.

Mr. Johnson asked permission to address the Board. Mr. Danish advised Mr. Johnson he had a Court Reporter present and if Mr. Johnson presented any legal interference, it was their firm intention to take action as they had a possible false arrest action against Mrs. Johnson.

Trustee Alsdorf inquired of Attorney Dahl if, in his estimation, that was the type of bond this Board would like to have for a guarantee, to which Attorney Dahl replied, that he had spoken to Messrs. Danish and Newman relative to the kind of bond he felt they would have to come up with. Attorney Dahl further stated the insurance company is virtually going to insist upon a cash pledge of their personal assets to produce a bond that is acceptable and he had no reason to doubt they are going to do it. He also stated the developer may well consider depositing cash with the Village under this arrangement.

Trustee Carter made a motion Mr. Johnson be allowed to address the Board. Trustee Alsdorf seconded the motion. The Clerk called the roll:

Cargill.....Aye
Alsdorf.....Aye

Carter.....Aye
Henry.....Aye

Mr. Johnson inquired if an agreement had been arrived at between the Board and the builder two weeks ago tonight about this bond. Attorney Dahl stated there was no written agreement and then read the action taken on this subject at the meeting of October 3, 1960 (page 7)

Trustee Carter made a motion Phoenix Construction be allowed to continue under existing building permits and their completion bond time limit be extended for 3 weeks and no additional permits be issued. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Nay	Henry.....Aye

Attorney Dahl advised the Board there had been two zoning hearings and he would like to place this matter on tonight's agenda.

Trustee Carter made a motion the subject of the Zoning Board of Appeals recommendations be placed on tonight's agenda. Trustee Cargill seconded the motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Aye	Henry.....Aye

Attorney Dahl then read the Zoning Board of Appeals recommendation relative to Bob Ahr's request for rezoning. This was a change from B-Business to R-3 Multiple Dwellings and covered the property west side of Dundee Road - 6th street running north to Glendale.

Trustee Cargill made a motion Attorney Dahl be instructed to draw up an ordinance to effectuate such rezoning as may be necessary.

Trustee Alsdorf questioned the rezoning of business property to multiple dwellings and President McIntyre stated that any property zoned business can also have multiple dwellings built upon it without a request for rezoning. Trustee Alsdorf then asked why it had to be reclassified. He was told Mr. Ahr wanted a 25 ft. setback so the parking could be in the rear and the members of the Zoning Board felt this would be more desirable.

Trustee Carter seconded Trustee Cargill's motion. The Clerk called the roll:

Cargill.....Aye	Carter.....Aye
Alsdorf.....Abstained	Henry.....Aye

Trustee Cargill stated there had been rumors about town that President McIntyre had said he was thinking of certain impeachments on this Board and also was thinking of discharging the Chief of Police. He asked President McIntyre whether or not this was true, to which President McIntyre replied, it was definitely not true; that he, himself couldn't impeach anyone as it takes a vote of the people.

Trustee Carter made a motion to adjourn the meeting. Trustee Alsdorf seconded the motion. The Clerk called the roll:

Cargill.....Aye
Alsdorf.....Nay

Carter.....Aye
Henry.....Aye

Meeting adjourned at 10:50 P.M.

Evelyn R. Diens, Village Clerk
Taken by Lorraine Glueck