



VILLAGE OF BARTLETT COMMITTEE MINUTES June 4, 2024

1. CALL TO ORDER

President Wallace called the Committee of the Whole meeting of June 4, 2024 of the President and Board of Trustees of the Village of Bartlett to order on the above date at 7:26 p.m.

2. ROLL CALL

PRESENT: Chairmen Deyne, Gandsey, Gunsteen, Hopkins, LaPorte, Suwanski, President Wallace

ABSENT: None

ALSO PRESENT: Village Administrator Paula Schumacher, Management Analyst Samuel Hughes Finance Director Todd Dowden, Director of Public Works Dan Dinges, Assistant Public Works Director Tyler Isham, Village Engineer Nick Talarico, Planning & Development Director Kristy Stone, Assistant Golf Pro Paul Galvan, Police Chief Geoff Pretkelis, Deputy Chief Rob Sweeney, Village Attorney Kurt Asprooth and Village Clerk Lorna Giles.

3. TOWN HALL: None

4. STANDING COMMITTEE REPORTS

A. BUILDING AND ZONING COMMITTEE, CHAIRMAN GUNSTEEN

1. BP 1100 W. Stearns Road Special Use Permit

Chairman Gunsteen stated that the petitioner is requesting a Special Use Permit to sell packaged Wine and liquor at their location. Staff requests forwarding the application to the Planning Commission for review to conduct a public hearing to sell alcohol in their coolers.

2. BP 5590 County Farm Road Special Use Permit

Chairman Gunsteen stated that the petitioner is requesting a special use permit to sell packaged wine and liquor at their location. Staff requests forwarding the application to the Planning and Zoning Commission for review.

B. LICENSE AND ORDINANCE COMMITTEE, CHAIRMAN HOPKINS

1. Ordinance Amending the Bartlett Municipal Code Regarding Noise Limitation

Chairman Hopkins introduced the item.

Deputy Chief Sweeney stated that they followed up on the questions that were asked at the last Committee Meeting, one of which was what type of complaints the Police Department were responding to in regard to noise violations. Out of the 284 complaints, 190 were amplified regulation complaints;



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which means loud parties and loud noise complaints in residential areas. Out of those 190 complaints, over 70% of those complaints occurred between the hours of 10:00pm and 8:00am. He stated that what the Department is working on is seeking an Ordinance Amendment which would allow them to enforce action should a violator not abate the noise. He went on to say that the full intent of the Police Department is to allow any noise violations or complaints to be abated prior to any action being taken. Since the last meeting, the Police Department also conducted noise level testing of their own. Deputy Chief Sweeney stated that a vehicle was used with radio music playing with the windows down, at various distances using other Town's limitations. Deputy Chief Sweeney stated that the results indicated that a normal level of volume; level 15 inside a car radio, the music could be heard barely at 50 feet. Nothing over 50 feet could be heard. It was then raised to a level of top end of reasonable which was a volume level of 22. It was heard at 100 feet but not at 150 feet. He went on to say that in addition, the Police Department did a survey of surrounding jurisdictions that have noise ordinances for residential areas. Those towns varied in time and distance, anywhere from 10pm-7am and anywhere from 50-150 feet in restricted distance.

Deputy Chief Sweeney stated that they would like to present what they deem to be a fair proposal. Noise heard up to 150 feet away would be considered reasonable between the hours of 8:00am-10:00pm. Any noise heard from 150 feet away would require an Amplifier Permit from the Village. Noise heard up to 75 feet away would be considered reasonable between the hours of 10:00pm-8:00am. Anything that could be heard beyond 75 feet would be considered unreasonable. He went on to address concerns from the last meeting, one of which was time. Some of the other factors that Deputy Chief Sweeney discussed were the proximity of the noise to sleeping facilities, the duration of the noise, and whether the noise was recurrent, intermittent, or constant, and lastly the necessity of the noise. Deputy chief Sweeney also addressed concerns from the last meeting regarding if the officer allowed the violator to abate and they chose not to. He stated that some of the enforcement actions that could be taken would be heard through local Ordinance or adjudication which would be based on the severity of the violation and the number of occurrences. First time violators would be charged under local adjudication and would be allowed to pay by mail fine in lieu of an in-person appearance. He also addressed previous concerns regarding a tiered fine schedule. He stated the Department does not feel it necessary, however the Ordinance allows a fine structure to be anywhere between \$75-\$750.

Chairman Hopkins inquired whether what was just stated was in the current Ordinance.

Deputy Chief Sweeney stated that this was the original draft.

Chairman Hopkins thanked Deputy Chief Sweeney for the information but stated that he would want residents to have the opportunity to see the information on paper before the Board votes on it. He went on to say that he thought it best to put it on paper, have another Committee meeting, and then forward it on to the Board.

Chairman Deyne inquired about Decibel levels in relation to conversational decibels.

Deputy Chief Sweeney stated that the Decibel levels referenced are Environmental code, that's used for enforcing of Businesses. He stated he didn't know what the actual decibel level that would equate to.



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Chief Pretkelis went on to say that they would be against using decibel monitoring devices as that would require training in using them. He stated it would be easier to do what other towns are doing such as Hanover Park, Streamwood, Carol Stream, Bloomingdale, Schaumburg, St. Charles, Roselle, Elgin; which are using distance as a marker versus using Decibel meters.

Chairman Gunsteen voiced concerns regarding distance being used. He stated that this would likely work in a neighborhood where there's other houses behind it or next to it to deaden the sound. Versus a home on a Golf Course where the echo that would broadcast through the Golf Course to neighboring houses would be louder than the Ordinance would permit. He voiced concerns about good neighbors being attacked by someone who is not a good neighbor. He used the example of someone calling in to complain about a neighbor whose kids are playing in the pool at 10pm.

Trustee Hopkins stated he would not want any weaponizing of the Noise Ordinance.

Deputy Chief Sweeney stated that was absolutely the Police Department's full intent not to weaponize the Noise Ordinance.

Trustee Gunsteen stated that amplified is different than having a conversation.

Chief Pretkelis stated that he agreed.

Trustee Gunsteen made a comparison of amplified noise stating that his voice is not amplified if he's yelling at someone. He did, however, state that using an amplified device without a permit would be considered a nuisance.

Chief Pretkelis stated that is the proposal; to have amplified devices have 150 feet between certain time frames and 75 feet during other times. He went on to say that it's based on the City of Elgin's ordinance and based on the research of when they were getting the most complaints about parties and loud music. He stated that if the complaint was just about people being loud, that would fall under the excessive noise portion of the ordinance.

Deputy Chief Sweeney stated that there is no dedicated distance to excessive noise, however they would look at all the factors, for example the time of day, how close it is to sleeping quarters and the consistency of the noise. He went on to say that the officers would have conversations with the people to advise them of the complaint and work on addressing the issue. He went on to say that citation would be the last resort.

Trustee Gunsteen referenced Deer Park Circle being a drain on resources. He asked if there was some sort of three strike policy in place regarding a noise violation. He went on to say that he does not want to utilize the ordinance as a weapon used by one neighbor who's upset with another.

Deputy Chief Sweeney stated that the Police Department has been working very closely with their management structure which allows for enforcement action against tenants that are in violation. He went



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on to say that they would be working with the management company to advise them of tenants that are in violation so that the Company can take action when it comes to eviction proceedings.

Trustee Gunsteen stated that the excessiveness of these calls should warrant a fine because of the frequency with which they're utilizing resources from the Department that could be put to good use elsewhere to keep our community safe. He stated he would like to see a balance and is concerned that voting on this ordinance would turn on revenge neighbors that would call just about being mad at another neighbor.

Deputy Chief Sweeney stated that regardless of whether the ordinance was in place or not, it would likely not limit or prevent revenge neighbor calls from coming through.

Trustee Hopkins asked whether during the hours of 8am-10pm there was a specific distance being used.

Deputy Chief Sweeney stated 150 feet.

Trustee Hopkins stated that he would like to model this more around the City of Roselle's ordinance. He went on to say that he doesn't think it's plausible to move forward with the current model.

Deputy Chief Sweeney and Mayor Wallace both stated that currently residents are required to get an amplifier permit that goes to 11pm. Mayor Wallace went on to say that he believes that the cost is \$15 to purchase one through the Village.

Trustee Suwanski asked if 75 feet too far away for midnight and onward too far away for excessive noise.

Chief Pretkelis stated that based on the 75-foot rule, that would be between 10pm-8am.

Trustee Suwanski stated she notices most of the other surrounding towns are at 50 feet for that.

Trustee Hopkins stated that where we started with the actual Ordinance that's written, we're actually more restrictive than 7 of the 8 communities. He once again stated he thinks modeling it after the City of Roselle would be a good start.

Trustee Suwanski asked why we couldn't just designate those as quiet hours.

Deputy Chief Sweeney stated that there has to be a measurable violation. He went on to say that without that, how do they determine "quiet" versus not. He also stated that if we don't amend the ordinance, the 50 feet is currently listed in the ordinance. That means as of today, the examples that Trustee Hopkins listed would all be in violation since they don't have an amplifier permit. The goal is to go in the direction that's more lenient but also responsible for all the residents in town. This would allow enforcement for those who do not abate.



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Trustee Hopkins interjected stating that Deputy Chief Sweeney made valid point. He asked if it was necessary for a resident to have to abate the noise. He brought up the example of a party once or twice a year with loud music.

Mayor Wallace stated that's why the Village has the amplifier permit to allow for such instances. He went on to say that he trusts the Police Department to know what they are enforcing and how they will be enforcing this going forward.

Trustee Gunsteen stated that if you look at the calls made from November throughout the year, there's an address that had 3 violations in a row. He stated that if the Police had the power to submit a violation, that might have been reduced to 2 or 1.

Trustee Hopkins brought up the time frames when these occurrences took place. He once again brought up Roselle's ordinance and stated it would give the Police the authority to make a judgement versus based on a said footage.

Village Administrator Schumacher asked Trustee Hopkins for the verbiage of Roselle's Ordinance, which he read out.

Deputy Chief Sweeney brought up the 50 feet listed in their ordinance.

Trustee Hopkins once again reiterated the time frame that's included.

Deputy Chief Sweeney did bring up the Amplifier permit to which Trustee Hopkins stated they could strike that out. He went on to say that he wants more authority in the people who go out during a complaint.

Trustee Gunsteen asked the Chief whether they've considered increasing the time frame over the weekend.

Deputy Chief Sweeney stated that the current ordinance does state Monday-Saturday is 11pm and Sunday is more restrictive. The reason they include 10pm in their proposal was based on their survey responses regarding noise complaints. 50% occurred after 11pm and 23% occurred between 10-11pm.

Mayor Wallace suggested that we place our trust in the Police Department to enforce them and allow them 6 months to carry this out and see how it goes. Depending on the complaints they could revisit it if need be.

Trustee Suwanski stated that leaving it up to just judgement would create problems in terms of it being subjective. Mayor Wallace agreed.

Trustee Hopkins stated that he would vote "no" if this was carried out and was more restrictive than some of the other communities. He went on to say that the amplifier permit is a great method but the last thing someone wants to do when planning a party is to go to Village Hall to get an amplifier permit that 95% of our residents don't even know about.



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Mayor Wallace agreed that it is not his intent to restrict residents, however he would like the Police Department to have some teeth when addressing violations.

Trustee Hopkins stated that if they modeled the City of Roselle's ordinance, the Police Department and the Village would.

Mayor Wallace asked that the Police Department take some of this feedback, tweak it, and do one more committee where the Board and residents can read what's been put in place.

Chief Pretkelis stated that he wanted to add that there are exceptions to bands, parades etc. There are also other Towns like St. Charles that have it built in, parades, fireworks, cultural events etc. would not need an amplifier permit.

Trustee Gunsteen stated that to Mayor Wallace's point, the Police Department are the ones on the ground dealing with these issues. He stated that after 10-11pm there should be enforcement because some people will push the limits. He does want to see some teeth in it as well.

Chief Pretkelis stated that there's different components; the amplifier permit only deals with amplified devices. He stated that construction and lawn care would fall under excessive noise which states equipment used between 7am-9pm. He went back to the example of someone being loud in their pool and stated that would fall under the excessive noise, not the amplifier. With the amplifier they're looking to have some kind of distance, mirroring Elgin's ordinance.

Trustee Gunsteen stated that the majority of the calls are coming from Deer Park Circle, an apartment complex where the walls may be thinner. There could be an 80-year-old hard of hearing with a loud tv. He asked how that would that work with neighbors sharing thinner bedroom or family room walls.

Deputy Chief Sweeney stated that it would be the same, 150 feet in an apartment would be excessive. But they would follow those guidelines. He stated they're working very closely with management where they can report those violations to give them more to work with.

Trustee Gandsey stated that we looked at other Village Ordinances but wanted to know if they're having any issues.

Chief Pretkelis stated no one's changed their ordinance in a really long time. Most of them haven't had to make many changes. Based on research these are law enforcement and Municipal standards. He went on to say that the Police Department does a nice job of mitigating these things and the end goal is looking for compliance, not ticketing. He went on to say that he feels what they're asking is reasonable and fair and would give the Police Department the authority to abate the noise. He asked that they trust the Police Department to mediate these complaints.

Trustee Gunsteen agreed with what was said and stated that the Police Department does a really good job, and they should re-visit this in six months following the summer and to then look at the data to



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determine if the numbers are down. He would like to see the time frames changes from 10pm-11pm for Friday and Saturday.

Village Administrator Schumacher stated that this was brought forward in order to allow the Police Department the ability to do some enforcement over the summer when complaints are the highest. She stated there seems to be no disagreement on having a time frame but that we're unsure this time where the Board stands on distance.

Mayor Wallace agreed that the Police Department brings something back to the Board so that it's ready for the Summer and that it's something they can enforce.

Trustee Hopkins stated he is not okay with that and would like residents to see something in writing. He stated if this is brought back to the Board it would be for a vote not to modify or change it and that's a problem.

Mayor Wallace stated that Trustee Hopkins needs to trust the Police Department to do their job. Discussions continued between Mayor Wallace and Trustee Hopkins regarding the proposal. Trustee Hopkins continued that he wanted to see this on paper so that residents can see it as well. Mayor Wallace went on to say there isn't an exact science to this. Trustee Hopkins once again reiterated that he wants the residents to be able to see this on paper before it's further discussed and voted on.

Trustee Suwanski stated that she was unaware that anything was being modified and that the Board was considering allowing the Police Department to move forward with what was presented.

Village Administrator Schumacher stated that there was enough time before an enforcement crunch to take what was presented and take it back to the Committee. That way they would have something on the books before the 4th of July at the July 2nd meeting.

Mayor Wallace once again stated that he has complete trust that the Police Department is equipped to be able to put together a noise ordinance.

Trustee Hopkins stated that was not his point, but he wants residents to see something on paper. He stated he did not like being accused of not liking the Police Department.

Mayor Wallace stated that was not what was said and apologized if that's how it was taken.

Trustee Deyne stated that he agreed with Trustee Gunsteen that he would like to see 11pm on weekends. And that he also agrees with the Mayor and that we can publish something on the website for residents to see. He stated that roughly 30% of complaints came from Bartlett Lake Apartments. He went on to say that some of these were repeat offenders. He went on to say that he does want to see something put into effect that can be enforced and re-evaluated after the summer in six months.



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Mayor Wallace stated that he would like to see something put together and presented at the July 2nd meeting before the 4th of July. The Mayor went on to apologize to Trustee Hopkins and stated it was not his intent to imply that he did not trust the Police Department.

Trustee Gunsteen stated that to put it in perspective it's less than one call a day and that it didn't seem that aggravating. He went on to say that having something in place allows the police Department to work with something after going to the same residence multiple times for the same issue.

Trustee Gandsey asked to see data after the summer in order to have a comparison and determine how to move forward and make any necessary changes.

Chief Pretkelis stated that it's very discouraging to meet with Bartlett Lake and Deer Park Circle for noise complaints and see officers drive by and doing nothing. He went on to say it's a disservice of what they're trying to do because they have no authority.

5. ADJOURNMENT

Mayor Wallace moved to adjourn the Committee of the Whole meeting. Trustee Deyne moved to approve; the motion was seconded by Trustee Hopkins.

ROLL CALL VOTE TO ADJOURN

AYES: Chairmen Deyne, Gandsey, Gunsteen, Hopkins, LaPorte, Suwanski

NAYS: None

ABSENT: None

MOTION CARRIED

The Committee of the Whole meeting was adjourned to Executive Session at 8:06 p.m.

The Committee of the Whole meeting adjourned at 8:46 p.m.

Jackie Cardoza
Executive Assistant