



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
September 4, 2018**

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President Wallace called the Committee of the Whole meeting to order at 7:54 p.m.

**PRESENT:** Chairmen Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke and President Wallace

**ABSENT:** None

**ALSO PRESENT:** Village Administrator Paula Schumacher, Management Analyst Sam Hughes, Finance Director Todd Dowden, Assistant Community Development Director Roberta Grill, Management Analyst Tyler Isham, Public Works Director Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Food and Beverage Manager Paul Petersen, Chief Patrick Ullrich, Deputy Chief Chuck Snider, Deputy Chief Geoff Pretkelis, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

**BUILDING AND ZONING, CHAIRMAN HOPKINS**

**Proposed Revisions to Title 4, Chapter 3, Section 4-3-2 of the Bartlett Municipal Code Entitled “Plants, Weeds, Grass, Vegetation and Native Plantings”**

Chairman Hopkins stated there is one item on the agenda tonight and that is the proposed amendments of the Municipal Code, proposed revisions to Title 4, Chapter 3, Section 4-3-2 of the Bartlett Municipal Code entitled “plants, weeds, grass, vegetation and native plantings.”

Assistant Community Development Director Roberta Grill stated that the proposed ordinance would strengthen the Villages existing weed and grass regulations for all lots. It would also shorten the compliance time from 10 days to 7 days, including a nuisance abatement procedure, along with the nuisance abatement fee of \$75. This fee would cover the costs incurred by the Village for the investigation, inspection and administrative costs associated with the abatement of the nuisance. It would also include a billing notice and the IDROP format. The ordinance also includes allowance for native plantings, but creates a formal process that includes the issuance of a permit from the Community Development department after they have submitted a landscape plan, payment, a plan review and inspection.

Chairman Deyne asked how many people have been in violation of this ordinance.

Ms. Grill stated that the Village has had 131 homes in violation for weeds this year.

Chairman Deyne asked if the homes that have planted natural vegetation will be impacted by this violation.



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Ms. Grill stated that we currently have seven homes that have natural vegetation and they would have to follow the formal procedure outlined in the proposed ordinance.

Chairman Deyne asked if they still have to if they are already planted.

Village Attorney Bryan Mraz stated that the homeowners would need to follow the procedures in the proposed ordinance in order to make sure they are actually native plantings and not weeds that are in excess of the height requirement.

Chairman Camerer asked if we are only talking about the front yards.

Ms. Grill stated that it could include the backyard as well.

Chairman Camerer asked why they can't have them in a fenced in backyard.

Mr. Mraz stated that not everyone is going to have them fenced in and the neighbors do not always appreciate the native plants. Some native plants grow above the fence line as well.

President Wallace stated that they attract unwanted animals as well.

Chairman Deyne asked if we currently have an ordinance in place.

Ms. Grill stated that we currently have a plants and weeds ordinance in place from 1968.

Chairman Camerer asked if there is a fine for homes that are in violation.

Ms. Grill stated that the Village has to determine whether they are weeds or native plantings on our own dime and there is no abatement fee.

President Wallace stated that if someone decides to grow plants on their property that are in the front yard and over the fence, there is nothing we can do about it.

Chairman Camerer agreed that it needed to change, but had concerns with the bureaucracy of the Village telling people what they can do on their own property.

President Wallace stated that he agreed as long as there are not complaints, but there are hundreds.

Chairman Camerer stated that he has an issue with the \$150 renewal rate. If a person is following the rules and only has the plants they are supposed to have, then why penalize them.



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Mr. Mraz stated that the \$250 initial fee is important to determine what they are planting. We want to make sure those people cut the plantings each year, but we could reduce the yearly inspection fee.

Trustee Camerer stated that if we have the proper fines in place and if the homeowner violates what we trusted them to not violate, they will be fined. The people who do it right are not fined and should not be penalized for doing something right.

President Wallace agreed and stated that we need to enact something to allow that to happen.

Trustee Camerer stated that the Village needs to add definition on what plants are legal and let the people who want to, do it within reason.

Mr. Mraz stated that this ordinance would allow the Village to put a weed cutting lien on the house so when we have to go on the property to cut the weeds, we are reimbursed. We can reduce the annual fee, but we need to know what is reasonable to the Board.

Trustee Deyne asked to leave the compliance days at 10 days instead of 7 days. If we have rain or bad weather then they don't have the ability to do it. He doesn't want to penalize people for having the native plantings and charging them an annual fee. He doesn't see many houses that have bad weeds in their yards. He thinks the houses that have a lot of vegetation in their yard, look good.

Mr. Mraz stated that if they do it appropriately, we are not disagreeing with that, but they need to follow some rules so we can determine what that is.

President Wallace stated that it is perfectly fine to have sections of your yard with indigenous plants and you are taking care of them. This is the beginning of a discussion which is good, but you should see some of these places. It is just a matter of time before someone backs out and runs over a kid.

Trustee Camerer stated that maybe we should not allow it in the front yards.

Village Administrator Paula Schumacher stated that if someone has weeds in their backyard, they get a violation notice and can be fined. If someone is claiming that their native plantings grow taller than 8 inches then that is the distinction between weeds and native plantings. There is parody between someone letting dandelions grow and someone who is cultivating. Additionally, we do get a lot of complaints about the 10 day time period. We are reasonable about giving people leeway if it has been raining or they call and say they won't be able to get to it for another day or two.



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Mr. Mraz stated that not allowing plantings in the front yards, you are infringing on people's rights that want them in the front and those people may challenge it.

Ms. Schumacher stated that the people with native plantings are living in neighborhoods, not a wildlife area, so having the vision triangles and diagrams that are being proposed walks that balance between wanting native plantings and having neighbors.

Chairman Carbonaro stated that if you can't plant a blue spruce within three feet of the sidewalk, maybe we should not allow it for native plants.

Chairman Hopkins thinks the fees are out of line, we should not be charging someone for putting something on their own land.

Chairman Camerer suggested a minimal fee.

Chairman Gabreyna stated that if they are not in compliance and the Village has to check it again, then it should be a higher fee.

Chairman Camerer suggested that the fee homeowners should pay if the Village has to cut their plants, should cover our costs.

Chairman Carbonaro asked if a homeowner goes through local adjudication if they do not comply after the second time.

Ms. Grill stated that the Village sends them a billing abatement notice and they have 30 days to pay that. If they don't, we can lien the property, go through local adjudication or impose a fine.

Mr. Mraz stated that if you lien a property, when it is sold, eventually you'll get paid. One of the things we did was update all the notice provisions so we could perfect that lien. The fees can be what you wish as long as they are reasonable and cover the cost. He suggested a nominal fee for the first year and a smaller fee for each year which could be reduced from what we have suggested. The fines have to fall within the parameters set by local adjudication, but each day could be a violation. If someone is really non-compliant, the hearing officer has the ability to fine them for a number of days so the fines could be high.

President Wallace stated that this is not intended to hurt people that are doing the right thing, but there are many people that are negatively affected by native plantings.

Chairman Camerer stated that we should create a definition of what should be planted and create a fee for it. If they do not do it in the parameters we are setting, then they are fined, but we should not bill them \$150 for doing the right thing.



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Mr. Mraz suggested a \$100 first time fee, a \$50 annual fee and a \$75 re-inspection fee.

Chairman Camerer suggested not having an annual inspection fee.

Chairman Gabreyna asked if the bee license has a \$25 fee each year.

Ms. Grill stated that bees and the chicken licenses were a one-time fee.

The Board suggested a \$100 onetime fee, no annual inspection and a \$25 re-inspection fee.

Chairman Gabreyna stated that she did not know if the five feet by five feet triangle is big enough from a safety perspective. She asked what the setback was for a fence in the front yard.

Building Director Brian Goralski stated that it can be one foot from the sidewalk and 4 feet high.

Ms. Grill stated that trees and shrubs can be planted there which are much taller.

Chairman Hopkins asked if other communities have limits on things that can be planted in the five foot by five foot triangle.

President Wallace stated that it is a safety issue because cars may not be able to see a bike going down the sidewalk or a jogger if they are backing out.

Ms. Grill stated this came from a specific complaint we had with someone not being able to see pulling out of their driveway next to a native planting lot. We thought the five foot triangle would be sufficient, but we can go larger.

Chairman Hopkins asked if we can see what other municipalities do.

Mr. Mraz pulled other ordinances from communities that allow native plantings and the only thing that was found was a setback for native plantings from the sidewalk. Our main concern was the vision triangle so that is unique to Bartlett. Other cities have nothing other than a five foot set-back.

Chairman Hopkins asked if it would be overboard to get some information from a traffic consultant.

President Wallace stated that the vision triangle sounds like a good start and if we get complaints about safety we can amend it.



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Chairman Deyne asked why the neighbor's that have lived with the issue of native plants in their neighbor's yards have been silent about the complaints for years.

President Wallace stated that they have not been. It has been going on as long as he knows at a particular location. There is a petition and the yard has not improved. The front yard looks like a jungle.

Mr. Mraz stated that if you have an ordinance that did not allow native plantings in the front yard, we would have a lawsuit.

The item was forwarded on to the Village Board for a final vote.

**COMMUNITY AND ECONOMIC DEVELOPMENT, CHAIRMAN GABRENYA**

**TOD Implementation Strategy – 25 MPH on Key Downtown Roadways**

Chairman Gabreyna stated that we have one item having to do with the TOD implementation to reduce the speed limit to 25 miles per hour on key downtown roadways.

Ms. Grill stated that this item was seen by the Committee of the Whole in December of 2017. The Board asked staff to conduct an additional speed study on North Ave. and W. Devon Ave. The speed studies took place at the end of April and the end of July. The staff's intent is not to show that motorists are speeding in town. Staff would like to create a consistent downtown speed limit zone. We want pedestrians to feel more comfortable crossing the streets downtown, make it walkable, increase the awareness of economic activities taking place in downtown, allow drivers to be more aware of pedestrians and reduce the risk of crashes between pedestrians and vehicles. Staff is recommending reducing the speed limit along Main St., Railroad Ave. and Oak Ave. Additionally, along North Ave., west of Crest.

Chairman Camerer stated that he is in favor of whatever it takes to make things safe. He didn't think there were many issues in the downtown after looking at the traffic study. He asked the Chief of Police if the three incidents that have happened in five years were because of speeding or pedestrians stepping in front of cars.

Chief of Police Patrick Ullrich stated that he does not know the causes without looking it up.

Chairman Camerer stated that there was a high likelihood that people were not paying attention and stepped in the street, so we probably can't blame all the accidents on cars speeding. He asked if there were studies that substantiate people will feel better if the cars are driving slower. He stated that it seems like the Village is making a change for the



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sake of making a change, but he is not against it, he just doesn't know if it is going to accomplish much.

President Wallace stated that he disagreed. The Board has heard complaints for years about cars cutting through to North Ave. to get to Lake St. and I think lowering the speed limit has the potential to lower that cut through traffic somewhat.

Chairman Deyne stated that we should not spend any more money on traffic studies. We are talking about reducing the speed by five miles an hour. He suggested the Board move forward with it.

Chairman Camerer stated that he agrees, he just does not see a benefit.

Chairman Gabreyna stated that she wished they had the data that discussed the reduction of injuries from a 30 mph impact compared to a 25 mph impact. If this is a top five recommendation from the TOD then we should trust that it is a good idea.

Chairman Hopkins stated that we have to look at the areas that we are reducing the speeds. It is in the downtown and in front of an elementary school so he thought it was common sense.

The item was forwarded on to the Village Board for a final vote.

**FINANCE AND GOLF, CHAIRMAN DEYENE**

**Water Rate Discussion**

Chairman Deyne stated that the Finance and Golf Committee has the Water Rate Discussion on the agenda and asked Finance Director Todd Dowden to present the material.

Mr. Dowden stated this is part of our multi year plan that started many years ago with the water source study. It was officially kicked off with the agreement that was signed in February 2017. When the agreement was signed, the general idea was that rates were going to double. In May of 2017, rates increased 20% to cover some of the preliminary costs. In May of 2018, the rates went up 27%. The reason next year's is already up for consideration, is because we need to be able to show that we can pay the low interest IEPA loans. That loan is going towards the receiving station and storage tanks out at the public works facility and that work is starting this September. For us to be reimbursed for those expenses with the loan money, these rates need to be in place. The 21% increase for this time is the same amount of increase as in May of 2018, but it is on a higher base, so that is why it is not 27%. Our projected fund balance on April 30<sup>th</sup>, 2019 is estimated to be \$1,877,000 which is below our minimum policy by \$126,000. Because the timing of



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our IEPA loan was off, we used some of our cash reserves which brought some of our cash balances down. The Villa Olivia transmission main as well as some upgrades to the Lake St. pump station used some of our reserves.

The proposed rates are \$11.76 per 1,000 gallons. We started back in January 2012 at \$6.36. The total increase was 85%. The final projected rates from October 2016 had us in the range of \$13.20 to 13.80 so we are below the projected rates. Some of the costs came in below what was projected and that has helped.

Chairman Deyne asked what the cost per 1,000 gallons would be if we went 100% Elgin.

Mr. Dowden stated that the rate was projected at \$11.70 to \$12.30, so we are \$.06 over the low range.

Chairman Hopkins stated that Elgin has higher rates than us, so we could have been possibly paying more money than we are now.

President Wallace stated that Elgin was not going to let us pay a lower rate than their residents. He emphasized that this is less than what we estimated the cost to come out to be even with some of the issues we weren't expecting like the IEPA loan. For five years, the Village didn't touch the water rates on purpose, so it is a shock going from a flat rate for five years to this increase.

Ms. Schumacher stated that leaving it flat meant that we did not increase it for our regular maintenance like painting water towers, so there was a five year gap of not funding existing maintenance and therefore some necessary catch up.

Chairman Reinke added that no matter what choice we made, the cost of water was going to go up because the cost of delivery goes up whether we are getting the water from Lake Michigan, the Fox River or the wells. It was a matter of what was going to be the best decision for the residents for the next 30 years.

Chairman Hopkins stated that it is important to note that all residents next year are going to get softened water that everyone will see right away and it is definitely worth the cost.

President Wallace stated that in the notes, it states that it is going up \$12.36 and he pays for that in salt. He thanked Mr. Dowden on being so thorough and predicting what the cost was going to be so well.

Trustee Deyne moved to adjourn and Trustee Camerer seconded the motion.

**ROLL CALL VOTE TO ADJOURN THE MEETING**





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AYES: Trustee Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke.

NAYS: None

ABSENT: None

**MOTION CARRIED**

The meeting adjourned at 8:36 p.m.

Sam Hughes  
Deputy Village Clerk