

MINUTES OF THE SPECIAL MEETING
AND PUBLIC HEARING ON THE ANNUAL BUDGET
OF THE CORPORATE AUTHORITIES OF THE
VILLAGE OF CAMPTON HILLS
Tuesday, April 4, 2023
6:30 p.m.
Campton Hills Village Hall
40W270 LaFox Road, Suite B
Campton Hills, Illinois 60175

Village President Tyrrell called the meeting to order at 6:32 p.m.

1. **Roll Call**

Deputy Clerk Stipetic called the roll

<u>Trustee</u>	<u>Present</u>	<u>Absent</u>	<u>Also Present</u>
Cappell	X		Administrator Burchard
George	X		Village Attorney Ryan Morton
McKelvie	X		Police Chief Steve Millar
Millette	X		Deputy Clerk Stipetic
Muncie	X		Interim Treasurer Laurie Hayes
White Eagle	X		Village Engineer Scott Marquardt
Village President Tyrrell	X		Members of the public

2. **Pledge of Allegiance**

3. **Introductions**

Village President Tyrrell introduced Scott Marquardt with HG Green Engineering

4. **Public Comments**

Tim Morgan, Hollie Bauron, and Charles Griffey spoke. See attached

5. **Public Hearing** - Public hearing on the village's proposed May 1, 2023, through April 30, 2024, annual budget.

- a.) Board to motion to open the public hearing for the village's tentative FY 2023-2024 annual budget
Trustee Muncie made a motion with a second by Trustee McKelvie. Motion carried with a verbal "aye" by all board members present.
- b.) Summary of draft FY 2023-2024 annual budget provided by the budget officer.
Administrator Burchard gave a summary of the FY23-24 budget.
Administration: It was thoroughly explained that there are monies budgeted for litigation, a five percent salary increase for staff, and the police department. Trustee Cappell asked about the Building and Zoning budget; Administrator Burchard explained the fee structure, B&F fee structure, and how we charge residents.
Trustee George asked about salaries for administration, building and zoning, and asked if the role for building and zoning would be full-time or part-time. Administrator Burchard explained that the budget reflects two part-time staff members for building and zoning, one of them being the code enforcement officer.
Community Relations: Administrator Burchard explained that there was an increase for the Community Relations Committee of \$3000 so that they would be able to have an additional event.
Police Budget: increase to add a full-time officer and also a five percent salary increase effective May 1, 2023.
Trustee Muncie asked if we could have a study or recommendation to determine where we should be now, in three years, and what the salaries are. Administrator Burchard said that we have done a salary study and that we would focus on looking into where we should be in the future. Village President Tyrrell stated that he asked for a five percent salary increase as opposed to a three percent increase in salaries. Trustee Cappell stated that he referenced the Office of Personnel Management out of the Federal Government to be a useful tool. Stating that the mid-range salary is at about \$60,000 per year to start. Trustee George asked about having a partnership with behavioral health agencies on an on-call basis for calls that would need services. She also asked the Chief where he would like to see the integration happen and how.
Capital Fund – A few adjustments were made due to the MFT shortfall for the roads, moving \$650,000 from the general fund's reserves to the capital fund and budgeted for the HVAC system for the village hall renovation.
Trustee McKelvie pointed out that we remained within budget for everything.
Trustee Muncie asked about grant income. Administrator Burchard explained that we received a grant of \$103,500 for a shooting simulator and that the monies would be received and expended in FY23.
- c.) Public comment, with the opportunity to present testimony and examine witness.

Tim Morgan's questions: Who is the appointed budget officer? Administrator Burchard stated that she is the appointed budget officer and that she is bonded. As far as the actuarial study, it will be conducted. Interim Treasurer Hayes, stated that the police pension fund has been merged for investment purposes only, also known as IPOPIF and that the budget reflects the IPOPIF. Because we are 107% over budget with our police pension fund, it is possible that the amount in the budget could be decreased, but it matches IPOPIF. Trustee White Eagle asked if we were mandated to merge the fund. Interim Treasurer stated yes, and Village president Tyrrell stated that we had to surrender into that joint fund per state regulations. As for the building and zoning fees, Administrator Burchard stated that there were many fees discovered that were not collected, and that there were long-standing issues with non-compliance. Village President Tyrrell stressed that there is not a specific person going out looking for violations. Regarding the litigation and training, we have budgeted for both. Trustee Millette stated that there is legal training, OMA is self-directed, and other resources.

- d.) Board to motion to close the public hearing and resume the remainder of the 4-4-2023 regular meeting.
 Trustee McKelvie made a motion to close the Special Meeting for the Budget, with a second by Trustee George.

<u>Trustee</u>	<u>AYE (6)</u>	<u>NAY</u>	<u>Absent</u>	<u>Abstain</u>	<u>Motion Carried</u>
Cappell	X				
George	X				
McKelvie	X				
Millette	X				
Muncie	X				
White Eagle	X				
President Tyrrell					

6. **Consent Agenda** By a single unanimous vote, called an omnibus vote, the board may approve a number of unrelated items. There may be no discussion, but any trustee may remove any one or more items from the consent agenda, whereupon that item goes on the agenda below.

Trustee Muncie stated that he wanted to remove item 6b from the consent agenda.

Trustee White Eagle made a motion to approve consent agenda item 6a, with a second from Trustee Cappell.

- a.) Motion to approve the **minutes of the 3-21-2023** special village board meeting and budget workshop

<u>Trustee</u>	<u>AYE (6)</u>	<u>NAY</u>	<u>Absent</u>	<u>Abstain</u>	<u>Motion Carried</u>
Cappell	X				
George	X				
McKelvie	X				
Millette	X				
Muncie	X				
White Eagle	X				
President Tyrrell	X				

- b.) Motion to approve payment of bills per **Warrant List #23-18**

Trustee Muncie commented on the materials that were purchased for the village hall renovation (shopping at local stores to save money) and the purchase of doughnuts for the highway department after the ice storm was very nice.

Trustee Muncie made a motion to approve 5b with a second by Trustee George.

<u>Trustee</u>	<u>AYE (6)</u>	<u>NAY</u>	<u>Absent</u>	<u>Abstain</u>	<u>Motion Carried</u>
Cappell	X				
George	X				
McKelvie	X				
Millette	X				
Muncie	X				
White Eagle	X				
President Tyrrell					

7. **Action Items:**

- a.) **Motion to approve Ordinance O-23-06** approving the annual municipal budget for the Fiscal Year 2023-2024
 Trustee McKelvie made a motion to approve O-23-06 with a second by Trustee White Eagle.

<u>Trustee</u>	<u>AYE (6)</u>	<u>NAY</u>	<u>Absent</u>	<u>Abstain</u>	<u>Motion Carried</u>
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Cappell	X
George	X
McKelvie	X
Millette	X
Muncie	X
White Eagle	X
President Tyrrell	

8. Current Discussion Items

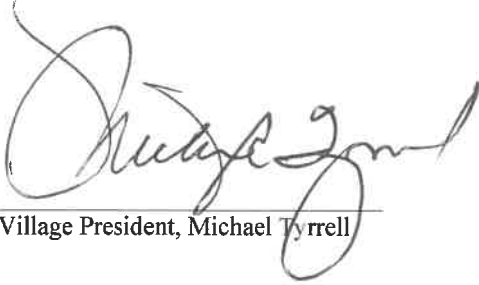
- a.) **MFT Bid Summary**
Scott Marquardt, village engineer, stated that there were 6 bids that were submitted for the road repairs that are on the calendar. Trustee Cappell asked about the extension of the Illinois Build Back Bill going to 2025. We don't have any budget items for that. Will we be able to tap into any grants? Mr. Marquardt stated that he would talk with the administration about applying for possible grants in the future. Trustee Muncie asked for the email with the 13-year lifespan documents and asked for an approval email from the state. Mr. Marquardt stated that he would re-send the email with the 13-year life span details of roads. Trustee Cappell asked if we have adopted the current standards and engineering practices set by Rebuild Illinois and asked if these standards will remain true for future projects. Mr. Marquardt stated that roads could be built above standards. Trustee Millette clarified Rebuild Illinois and MFT requirements are still being done as in the past. Village President Tyrrell asked about the bidding. Mr. Marquardt stated that it has been difficult and that prices are going up. Please reference attachment for further details.
- b.) **Building and Zoning Fee Increase**
Administrator Burchard went over the information that was from B&F, what new fees they are proposing. Trustee Cappell asked if remodeling was the same as an extension or build-out. Administrator Burchard stated that the staff is reviewing everything. Trustee Muncie asked about fees that were less than permit costs. Administrator Burchard explained that we charge an extra 40% to cover fees, and that staff will review to make sure that there are no overcharges and that building permit fees are not a revenue generator. Trustee White Eagle asked if we would get fees after the fact if there were re-inspections.
Safest Cities
The board was advised that Campton Hills is one of the safest cities in Illinois.

Items – Parking Lot (90-day limit will be placed on future items)

9. **Additional Informational Items.** Updates and follow-up reports from the village president, trustees, village administrator, village attorney, or village staff.
Trustee Muncie asked if there was a possibility to share the cost of a new tornado siren with KDOT. Administrator Burchard and Chief Millar stated that it's a great idea to share costs but to also check on other resources. Village President Tyrrell stated that we will look for grant money.
10. **CLOSED SESSION:** Move that the Village Board go into closed session as permitted by the Open Meetings Act to discuss one or more of the following matters:
a.) Litigation that is filed and pending or is probable or imminent. 2(c)(11)
b.) Collective negotiating matters. 2(c)(2)
c.) Appointment, employment, compensation, discipline, performance, or dismissal of specific employees or officials, including legal counsel. 2(c)(1) & (3)
d.) Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) requires that public bodies review minutes of closed meetings for potential release approximately every six months.
A motion was made by Trustee Millette to move into closed session for matter 2(c)(11)
11. **Potential Action Pertaining to Closed Session**
12. **Next Meeting:** Tuesday, April 18, 2023

13. Adjournment Meeting adjourned at 7:53 p.m.

Approved this 18th day of April 2023



Village President, Michael Tyrrell



~~Deputy Clerk, Dorothea Stipetic~~
Tracy Johnson, clerk



PUBLIC COMMENT – VILLAGE OF CAMPTON HILLS

INSTRUCTIONS: Any individual, or group spokesperson may address the Commission of any matters coming before the Commission at a regularly scheduled or special call meeting. Such matters must be set forth in the agenda or the added-to-agenda for a regularly scheduled meeting or in the notice for a special call meeting. Please complete the information items requested below. Submit the completed form to the Commission Chair. You must first be recognized by the Chair. You may have a time limitation placed on your presentation by the Chair.

DATE: 4-4-2023

NAME:

Charles Swift

ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE:

EMAIL:

REPRESENTING: (If you are representing yourself put self.)

TOPIC OF COMMENTS OR AGENDA ITEM NUMBER :

YOUR POSITION ON THIS ITEM/ISSUE:

FOR:

AGAINST:

NOTE: if your comments are not related to items before the board as outlined above, you will be asked to make your comments to the appropriate standing committee at a later date.



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DATE: 4-4-23

Regular public comment

NAME: Hollie Barron

ADDRESS: 124500 Foxfield Dr.

CITY: St. Charles

STATE: IL

ZIP: 60175

TELEPHONE: (847) 977-3599

EMAIL:

REPRESENTING: (If you are representing yourself put self.)

TOPIC OF COMMENTS OR AGENDA ITEM NUMBER:

YOUR POSITION ON THIS ITEM/ISSUE:

FOR:

AGAINST:

NOTE: If your comments are not related to _____'s before the board as outlined above, you will be asked to make your comments to the appropriate standing committee at a _____ date.

BUDGET

HEARINGS

PUBLIC COMMENT - VILLAGE OF CAMPTON HILLS



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DATE: 4/14/23

NAME: TIMOTHY MORGAN

ADDRESS:

CITY:

STATE:

ZIP:

TELEPHONE:

EMAIL:

REPRESENTING: (If you are representing yourself put self.)

TOPIC OF COMMENTS OR AGENDA ITEM NUMBER:

YOUR POSITION ON THIS ITEM/ISSUE:

FOR:

AGAINST:

NOTE: If your comments are not related to _____ before the board as outlined above, you will be asked to make your comments to the appropriate standing committee at a _____ date.



hollie redinger <hollieredinger@gmail.com>

(no subject)

hollie redinger <hollieredinger@gmail.com>
To: hollie redinger <Hollieredinger@gmail.com>

Tue, Apr 4 at 5:05 PM

Tonight I'm here to follow up on the FOIA subject once more. I still haven't received my March 6th FOIA and there has been no contact from the village at all. As I suspected, the Attorney General provided me with all of the Village and PAC correspondence since May of 2019. They were on time with their FOIA.

Yesterday, the Assistant Attorney General, who is on this case, called me. He said that he has been waiting for over a week for the Village's attorney to call him back. They haven't, so they sent the Village this letter today:

Ms. Denise Burchard
Village of Campton Hills
40W270 LaFox Road Suite B
Campton Hills, IL 60175
dburchard@camptonhills.illinois.gov

RE: FOIA Request for Review – 2023 PAC 75829
Requester: Ms. Hollie Bauron
Date of FOIA Request: March 6, 2023
SECOND REQUEST

Dear Ms. Burchard:

On March 15, 2023, the Public Access Bureau sent you the attached letter asking the Village of Campton Hills (Village) to respond to the FOIA request at issue in the above-referenced Request for Review. As of the date of this letter, this office has not heard from the Village about this matter. Please respond to the requester as soon as possible and copy this office. **If the Village does not promptly respond to the FOIA request, this office may issue a determination letter or binding opinion concluding that the Village violated FOIA.**

Please contact me at (773) 590-7878 or benjamin.silver@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

I have 3 other things I would also like to quickly address:

(1) At the last meeting, resident Patsy Smith submitted her public comments to be included in the 3/21 minutes. Only her public comment regarding the non-zoning issues were included and not her other about Zoning. She is out of town, so I am providing you, once again, her public comment to be included in the 3/21 minutes that are up for approval tonight.

(2) She also wants me to let the Board know that she also received a letter from the Public Access Counselor on March 27th. The Village was to respond to these three FOIAs within 7 business days, which is tomorrow.

(3) The Board should also know that there are voters who live in Campton Hills that did not receive the correct ballot this election. The Kane County Election Director is blaming the Village for not providing an updated address list after the precincts were redistricted. Most of the Franchise Agreements require the Village to send updated lists every year. This issue will need to be addressed as soon as possible.



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 4, 2023

Via electronic mail

Ms. Denise Burchard
Village of Campton Hills
40W270 LaFox Road Suite B
Campton Hills, IL 60175
dburchard@camptonhills.illinois.gov

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Please contact me at (773) 590-7878 or benjamin.silver@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J. Silver", is written over a faint, larger version of the signature.

BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

Attachment

3/21/23 Patsy Smith's Public Comments

I would like to respond to comments made by both the Village President and the Village Attorney at the last Village Board Meeting...

Attorney Morton stated after my Public Comments about the flawed zoning ordinance, that the section I cited was the incorrect section of the Municipal Code when it comes to passing an amendment to a zoning ordinance and that the section I referred to was for an initial zoning ordinance, not an amendment to the Zoning Ordinance and that all the proper procedures were followed.

Today, I provide you evidence and testimony from Ken Shepro, who is a recognized expert on municipal zoning, related to his opinion the Zoning Ordinance adopted by the Village is fatally flawed and that the proper procedures were not followed. I'll post his opinion on What's Happening in Campton Hills and provide you with a copy of the opinion for the public records.

Mr. Morton, look at the adopted Zoning Ordinance.... The third "WHEREAS"... **in accordance with 65 ILCS 5/11-13.2**; that is the correct section for adopting a "new" zoning ordinance. Plus, nine times, the adopted ordinance refers to the "new ordinance", not an amended ordinance. Plus, read *Section 4. The Corporate Authorities deleted the previous ordinance in its entirety and adopted in its place the New Zoning Ordinance; that's not an amendment.*

Oh, and by the way, the Statue also requires corporate authorities to publish no later than March 31 of each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of such municipality for the preceding calendar year. This is yet another indication that this Board has no respect for the Municipal Code and does not understand the need to follow the principals of Dillion's Rule.

Zoning Attorney Ken Shepro's conclusion in his Opinion Letter states:

- 1) Ordinance #O-23-01 was invalidly adopted because the Village did not follow the procedures explicitly required by Section 11-13-2 of the Municipal Code for adoption of a new zoning ordinance.
- 2) The Village is not entitled to rely on any other provision of Division 13 because the ordinance repeatedly predicates the action of the Village which explicitly repealed and deleted in its entirety the existing ordinance and proports to adopt a new ordinance. Both the repeated references to the term "new ordinance" and the explicit reliance on Section 11-13-2 in the new ordinance makes clear that the Village Board did not intend to merely amend the regulations and districts of the old ordinance.
- 3) The failure of the Village to adopt a new zoning map renders the new zoning ordinance unenforceable.

Mr. Shepro was the Special Assistant State's Attorney for the Kane County Board at the time the Village incorporated and worked with Village Attorney Braithwaite on the adoption of the Village's first Zoning Ordinance. Ken also successfully prevented the dense Inland development proposed for what is now Prairie Lakes and successfully defended the judgement against Inland on appeal.

Timothy Morgan Budget Questions

1. The Public Hearing for the Budget is unfortunately tonight on election day. I also noticed you have a motion on the agenda to approve it tonight. Sounds like the Board isn't really going to consider any public comments and is just going through the motions of giving the residents a voice because you are forced to do so.
2. It was surprising to see under the public hearing you are allowing the public to cross-examination the witnesses. I've only seen cross examination of witnesses allowed for zoning hearings after the Klaeren case. Since you are allowing it.... Here are some questions.
3. Who's the Budget Officer?
4. When were they appointed?
5. Was a bond posted and if so for how much?
6. Has the actuarial study for the Police Pension Fund contribution recommendation come back? If not, how do you know how much to put aside for the Police Pension Fund?
7. Also, I noticed the fine revenue is estimated to increase by 14 percent over last year. Does that mean you are planning to change your complaint driven philosophy to one of patrolling and seeking out violations to increase zoning revenue?
8. I understand there is at least one trial set for the Brian Larson lawsuit. The prudent fiscal thing to do, would be to set aside funds to pay for damages if the Village loses the case and

are counter-sued for legal fees. I do see the huge increase in budget for legal representation.

9. If you assume there will be several new members to the Board, shouldn't you increase training expenses to cover the cost of Training and Certification of the new Clerk and training for a new Village President and trustees as well as expenses to take advantage of the educational experience at the IML Conference in the fall for the entire Board?

10. Could you explain the Capital Improvements and how you apply 65 ILCS 5/8-2-9.5 since we have a zero-tax levy?

65 ILCS 5/8-2-9.5) (from Ch. 24, par. 8-2-9.5)

Sec. 8-2-9.5. In the preparation by the municipal budget officer of the annual budget, an amount not to exceed 3% of the equalized assessed value of property subject to taxation by the municipality may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, and/or replacements of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the "Capital Improvement, Repair or Replacement Fund".

Expenditures from the Capital Improvement, Repair or Replacement Fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. Upon the completion or abandonment of any object for which the Capital Improvement, Repair or Replacement Fund, or should any surplus monies remain after the completion or abandonment of any object for which the Capital Improvement, Repair or Replacement Fund was inaugurated, then such funds no longer necessary for capital improvement, repair or replacement shall be transferred into the general corporate fund of the municipality on the first day of the fiscal year following such abandonment, completion, or discovery of surplus funds.

(Source: P.A. 84-147.)

11. Could you verify that a contingency of not more than 10% was included in the budget?

(65 ILCS 5/8-2-9.7) (from Ch. 24, par. 8-2-9.7)

Sec. 8-2-9.7. Funds for contingency purposes. The annual budget may contain money set aside for contingency purposes not to exceed ten percent of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon a majority vote of the corporate authorities then holding office.