

**VILLAGE OF ROUND LAKE HEIGHTS
619 W. PONTIAC COURT – BOARD ROOM
COMMITTEE MEETING – JUNE 19, 2007**

CALL TO ORDER

The Village of Round Lake Heights Committee Meeting was called to order by Mayor Lumpkins at 7:00 p.m.

ROLL CALL

Trustee Meeks = Present	Trustee Mahoney = Present
Trustee Walker = Present	Trustee Katzel = Present
Trustee Faught = Present	Trustee Germann = Present
Mayor Lumpkins = Present	Village Clerk Mahoney = Absent

Also Present = Peter Karlovics, Chief Johnson, Officer Crawford and Village Residents

Mayor Lumpkins requested to amend the agenda to add B. Resident Concerns under Administration.

MOTION

A motion was made by Trustee Meeks, Seconded by Trustee Mahoney and unanimously passed to approve the amendment to the agenda as requested by Mayor Lumpkins.

ADMINISTRATIVE

Budget Guideline Mayor Lumpkins stated that we are getting some final numbers for the budget and the Board will have a copy by July 10. If anyone has something to include in the budget then please let Mayor Lumpkins know. We will have a couple weeks for discussion on the budget and then hopefully pass it the following month.

Resident Concerns Mayor Lumpkins stated that our attorney, Peter Karlovics, is here and would like to make an opening statement. Peter Karlovics stated that when Mayor Lumpkins contacted him to appear at tonight's meeting that the issue is concerns regarding a Round Lake Heights police officer. There are statutes that govern the discipline of police officers with one of them being the Uniform Police Officers Disciplinary Act. Peter Karlovics advised that if public comments were to be made about the officer's conduct that the Uniform Police Officers Disciplinary Act should be followed in order to protect his rights. As an employment matter, the officer is entitled to have charges brought against him in writing and also if those charges are brought by a citizen to have that written charge supported by an affidavit. It is absolutely essential if we get into some type of misconduct that involves a Round Lake Heights police officer that the police department handle that specific misconduct. Peter Karlovics stated that he had a discussion with the police chief and if there is any type of allegation of misconduct that it would be an issue that would be investigated by an independent agency that is not affiliated with the

village of Round Lake Heights. This is to assure the public and members of the Board of an impartial investigation. Peter Karlovics stated that discussing an officer's conduct in public is something that potentially violates the statute. Peter Karlovics stated that if there are concerns about police operations, the manner in which the police operate or suggestions to improve efficiency in general that these are issues worthy of public comment. Peter Karlovics stated that if we are going to point to a specific officer and specific misconduct that there is a request to investigate that this should be handled through the police chief with the Uniform Police Officers Disciplinary Act process. Peter Karlovics stated that this was his opening comment and handed the floor back to Mayor Lumpkins.

Mayor Lumpkins asked Chief Johnson, who has been with the village for fifteen years, to give a little history on Officer Crawford who he hired as an employee. Chief Johnson stated that when Officer Crawford came to him seeking employment that a background investigation was completed and he was a state certified police officer. Officer Crawford has been with the village of Round Lake Heights for five years. Mayor Lumpkins asked Chief Johnson if there have been any incidences involving Officer Crawford in those five years that would be a reason for the village to be concerned and Chief Johnson stated that there has not. Peter Karlovics asked if there has ever been any affidavits filed under the Uniform Police Officers Disciplinary Act and Chief Johnson stated that there has not. Chief Johnson added that all of the officers are monitored closely. Chief Johnson stated that he has a strong and long police background doing police work for forty years. Mayor Lumpkins stated that Chief Johnson was aware of Officer Crawford's Waukegan past and Chief Johnson stated that it was taken into consideration. Chief Johnson stated that he feels that the tape of Officer Crawford that was made public is not the entire tape of what the investigation is about. Mayor Lumpkins stated to the audience that if there is a question dealing with the officer that we can try to answer it and if there are any police department questions that we do have Chief Johnson here this evening to try and clear up any issues. Mayor Lumpkins stated to the room filled with residents that he would like to have their concerns answered and further stated that if it turns into a he said she said situation that he would stop it immediately. Mayor Lumpkins opened up the floor to the audience.

A resident, Jeff Kissinger, stated that he made a phone call to the police and an officer was there on the scene but did not respond to his phone call. Jeff Kissinger stated that he wants to play the 9-1-1 tape now so everyone can hear exactly what happened. Peter Karlovics stated that at this point if there is an allegation being made against the officer because of misconduct or improper completion of his duties then you should fill out the Uniform Police Officers Disciplinary Act form and have the officer investigated. Peter Karlovics further stated that if you are addressing a police policy, police procedure and if there is something that the village

can do to better improve its' police operations then that is obviously something within the perimeter of the Village Board and the Village Board can act on. Peter Karlovics asked the audience to break their issues into two separate sections and to not address the concerns that the Village Board is without the power to take disciplinary actions on. The concern brought up tonight needs to be brought to the police chief and is up to him to take action on under village ordinance and the Uniform Police Officers Disciplinary Act. Peter Karlovics stated to the audience that if there is something you could suggest to the village to better its procedures that this is what the mayor and members of the Village Board is looking to hear from the residents. Jeff Kissinger stated that his concern not only affects the police officer but the trustees themselves and is a bad situation. Peter Karlovics asked what the relevance is of whether or not the police officer responded to his call since the officer was at the scene. Jeff Kissinger stated that then he had to diligently talk with the mayor several times in order to get the ticket written and he had to sign the ticket. Jeff Kissinger stated that the police officer should have signed the ticket because he heard the noise himself. Peter Karlovics asked Jeff Kissinger how many calls he has had to make as a police officer and if he has any police experience and Jeff Kissinger stated that he does not have any police experience. Peter Karlovics asked Jeff Kissinger if he ever had to make a charging decision on a particular case based on a set of facts presented and Jeff Kissinger stated not as a police officer. Peter Karlovics asked if it would be fair to say that those decisions can sometimes be difficult and Jeff Kissinger stated that that is true but not in this case. Peter Karlovics stated that Jeff Kissinger did raise concerns and what he thought should be done was done. Jeff Kissinger stated that that was not true. Jeff Kissinger stated that the charge was not filed by the police officer but by him. Peter Karlovics explained that he also does prosecutions as well and worked for the Cook County States Attorney office for eight years and has municipal prosecution experience. Peter Karlovics explained that it is not uncommon to have complaining witnesses sign citations and in fact is a very common practice. Peter Karlovics asked Jeff Kissinger if his concern is that he would like the village to review its' policy of complaining witnesses signing citations, harassment or someone retaliating against him for signing the complaint. Jeff Kissinger stated that his concern is that when he signs that ticket that the burden is on him. Peter Karlovics asked Jeff Kissinger if he understands that he has that burden whether or not he signs that ticket and if that person pleads not guilty that he has a right to a trial. Peter Karlovics stated that if it is a disorderly conduct charge that a civilian witness is needed or the judge will throw it out. Jeff Kissinger stated that it was not disorderly. Peter Karlovics stated that if it was a noise complaint that a police officer cannot be disturbed by law and it has to be a civilian member of the populous that is disturbed. Peter Karlovics stated that there is a multitude to charging and whether or not this ticket was written as disorderly conduct or noise violation that either one would be an ordinance violation and end up at the same courthouse with the same

potential penalties involved. Jeff Kissinger stated that was not true because it is a misdemeanor. Peter Karlovics stated that in terms of a charging decision there are matters that are taken to the state's attorney office, there are matters that are taken to misdemeanor court and there are matters that are resolved by ordinance violation citations. Peter Karlovics stated that the village's practice is to have ordinance violations handled in a branch court where it will be taken more serious than at the misdemeanor courtroom in Waukegan where more serious crimes are handled. Jeff Kissinger stated that the point is that he filed the charge himself. Peter Karlovics stated that he is doing a disservice to his case by already trying the case in public. Peter Karlovics stated that the officer will testify to what he saw. Jeff Kissinger stated that the 9-1-1 tape proves that the officer arrives on the scene at the same time that he called and before he was dispatched and the officer asked if there was a call coming in at the end of the tape. Peter Karlovics stated that he wishes they were not discussing this matter at a Village Board meeting because Jeff Kissinger is actually impeaching his own witness and they would have met to develop a trial strategy and he does not know if the person is pleading guilty or not guilty. Jeff Kissinger interrupted by saying that he isn't concerned about that and is more concerned about the conduct in the village. Jeff Kissinger stated that he has a stream of events that he does not see the village being very helpful with. Mayor Lumpkins stated to Jeff Kissinger that he had a speeding issue on Fairfield and now this incident where an officer responded to a neighbor's car being towed and that those were the two issues brought to his attention. Jeff Kissinger stated that another issue was a police officer slammed a door. Mayor Lumpkins stated that this was hearsay between him and the officer but that he previously told him he would look into it and resolved this matter. Mayor Lumpkins asked Jeff Kissinger what issue he has besides ones resolved, which are, the officer slammed a door, Officer Crawford responded to a call before he could make the call and Fairfield Road. Jeff Kissinger repeatedly brought up that the police officers used radar guns on Fairfield Road and Mayor Lumpkins consistently reminded him that this was four years ago and the officers have not been doing this since he brought it up four years ago and this issue has been resolved. Jeff Kissinger questioned if the police officers understand the law. Jeff Kissinger explained his situation about Fairfield Road and discussion ensued. Peter Karlovics stated that the police officer is allowed to sit in the unincorporated area on Fairfield Road and can pull someone over outside the limits of Round Lake Heights for an offense committed in Round Lake Heights. The officer would not be allowed to use the radar gun as evidence if used outside of Round Lake Heights. An officer could pull over a vehicle for a misdemeanor or felony outside of their city limits. Jeff Kissinger repeated his issues and stated specifically an officer and his conduct, which at that time Peter Karlovics asked him to take this up with the chief. Jeff Kissinger then brought up Officer Crawford and commented on his history. Peter Karlovics questioned the value of bringing up old

circumstances and suggested bringing suggestions to the police department on how to improve. Mayor Lumpkins stated that fourteen years ago the police department was not very credible and he hired Chief Johnson to change this police department and bring some credibility to it. In fourteen years there has not been a suit against our police department. Fourteen years ago it was difficult to find an insurance carrier to cover us and that is not the case anymore. Jeff Kissinger continued to bring up the incident with the tow truck and Mayor Lumpkins asked him to move on from this since this situation has been resolved. Peter Karlovics stated that maybe he has added something to the community with more caution being taken on charging decisions.

Mayor Lumpkins asked the audience if there were any more issues. Jeff Kissinger stated that there is the issue of the village speed limit. Mayor Lumpkins explained that the speed limit is 20 mph and the traffic study out there was done years ago. Mayor Lumpkins stated that he thinks the speed limit recommended at that time was 30 mph but the Board at that time felt that 20 mph was fast enough to go in this village. Mayor Lumpkins explained that Jeff Kissinger feels that we are breaking the law by enforcing a 20 mph speed limit and the state statute is 30 mph. Jeff Kissinger agreed with the explanation of his concern as Mayor Lumpkins stated it. Mayor Lumpkins asked Peter Karlovics if we are breaking the law by having a 20 mph speed limit in our residential area where children are present. Peter Karlovics stated that there are speed studies for some of the streets and 20 mph was recommended with Lotus Drive being one of them. There is a search being done regarding the other study. Statute does require a study and the speed limit has to be based upon the study. Peter Karlovics stated that in order to clarify the situation that the mayor may want to commission a new study. Mayor Lumpkins stated that he gets more complaints that people are driving too fast and that is why the Board has been looking at ways to slow down the drivers. Mayor Lumpkins asked Jeff Kissinger if he feels that more residents would want the speed limit increased like he does. Jeff Kissinger stated that he wants the recommended speed limit per the traffic study and trusts the people who do the traffic studies. Mayor Lumpkins stated that we run this village on a very tight budget and asked Jeff Kissinger if he knows how much money a traffic study costs. Mayor Lumpkins stated that we made the developer pay for the last traffic study due to the cost. Mayor Lumpkins stated that he firmly believes that most of the residents do not want the speed limit raised in the village. Mayor Lumpkins stated to Jeff Kissinger to think about what he is asking and that he is asking the village to spend five thousand dollars for an outside company with engineering degrees to come into our village and tell us to raise our speed limits. Mayor Lumpkins asked Jeff Kissinger if this is really where he wants to go as for as raising speed limits and jeopardizing people and asked him to consider changing things that we want to change as a community. Jeff Kissinger stated that there are false assumptions that lowering the speed limit will in

turn lower the speed of traffic and increase safety and further stated that the village of Gurnee thinks that it is important and the village of Round Lake Heights does not. Mayor Lumpkins stated that we are not Gurnee who has twenty to thirty thousand people but Round Lake Heights with a population of 2,700 and that Gurnee has how many miles of streets and we have about two and a half to three miles of street. Mayor Lumpkins stated that he and Jeff Kissinger are not going to agree but that other residents have been patiently waiting for fifty-five minutes to get their turn to speak so if the Board wants a traffic study that he will contact someone to do a traffic study. Peter Karlovics stated that we would not be able to successfully prosecute cases if the courts were to find that we do not have a valid traffic study that backs up the speed limit. Peter Karlovics stated that the Illinois Vehicle Code has a default setting for urban areas of 30 mph and you have the burden of proof if you believe it should be lower than 30 mph to show why and a study would identify those issues. Trustee Faught stated that these speed limits were set 35 years ago when the village was incorporated and Mayor Lumpkins stated that the speed limit ordinance was passed in 1987 if he is not mistaken. Trustee Faught questioned if we are required to up our speed limit based on this study. Peter Karlovics stated that he would recommend that the village keep everything in place and stated that they are trying to locate all studies that have been done in this village. Peter Karlovics recommended that when we pass a speed limit ordinance that we attach a traffic study to it so that it is never lost again. Peter Karlovics stated that the case could be that it was done properly but the documentation was not kept. Peter Karlovics stated that Pat Bleck, the village engineer, verbally reported to him that statute was followed for Lotus Drive and the 20 mph speed limit was supported by the study. Mayor Lumpkins asked the Board if they want to do a study. Peter Karlovics recommended to the Board to do a global study. Trustee Faught asked Jeff Kissinger what the reason is that he wants the speed limit at 30 mph and he stated that he does not want it at 30 mph, some at 25 mph, some at 20 mph and some at 30 mph. Trustee Faught asked Jeff Kissinger why he wants the speed limit changed and Jeff Kissinger stated that he wants the police to enforce the speed limit because right now everyone is speeding. Another resident stated that that is not true and he should speak for himself. Peter Karlovics asked Jeff Kissinger if he uses any type of radar detection equipment to determine that people are speeding. Jeff Kissinger stated that he uses his speedometer in his car and follows people to determine their speed. Jeff Kissinger stated that the federal government study shows that when a speed limit is raised people do not increase their speed. Another resident stated that the federal government is not in the car behind him tailgating as he is telling the speeding car coming toward him to slow down and they in turn give him the finger over on Black Cherry Lane. This resident commented that there are mostly little children in our area and he disagrees with Jeff Kissinger in that the current speed limit is fine due to the safety reason. Mayor Lumpkins stated that it would be hard to convince people to raise the

speed limit. Jeff Kissinger stated that if you don't like this country and Mayor Lumpkins stated that he loves this country and he loves this town. Jeff Kissinger stated that all of the speed limit signs in the village are illegal and that the speed limit is 30 mph. Trustee Mahoney asked Jeff Kissinger what is more important to him on this issue, is it the law or the safety of the children in this village. Jeff Kissinger stated that he wants the law enforced. Trustee Mahoney stated that people on average go eight to nine mph over the speed limit because they know that most villages, county or state police officers will not pull them over unless they are going at least ten mph over the speed limit. Another resident stated that he speaks for the majority in saying that we do not need a study on our roads and speed limits and that there are a lot of other issues not even brought up yet tonight that concern them and will not cost five thousand dollars. This resident stated that he totally disagrees with raising the speed limit and fears that raising the speed limit would only increase the chances of danger to the children. This resident stated that before any study is done that we should let the people of this village speak first and hear what they have to say. This resident stated that he has been very patient and he came to a meeting two weeks ago and waited for a full hour that night for Jeff Kissinger too and didn't really get to speak because he had an appointment to get to. This resident stated that he sent a message to the mayor, spoke with his neighbors and got signatures, took photos and did not go to the meeting and argue about it but brought it up in a respectful manner. This resident stated that he is not saying that Jeff Kissinger did not bring up his matter in a respectful way but he is not being respectful to the rest of the audience who wants to speak. This resident stated that he is there with his neighbor who lives two doors down to say to the mayor thank you so much for having the treatment put into the pond and that they really appreciate it. This resident stated that things like that matter more to them than raising the speed limit.

Mayor Lumpkins asked if there are any legal questions because Peter Karlovics needs to leave and he would like to answer all legal questions before he leaves. Jeff Kissinger stated that he did not have any more legal questions and Mayor Lumpkins asked if he was satisfied with the answers he received and Jeff Kissinger stated that he was. There were no more legal questions arising from the audience.

Peter Karlovics left the meeting at 8:08 p.m.

A resident stated that there were two occasions when he was mowing his lawn and a motor scooter came from behind him almost hitting him. The scooter stopped two doors down so he shut off his mower and told the person to be careful so that neither person gets injured. The Board stated that they addressed motorized scooters about a year ago. The resident stated that he wants to move on because he has other concerns to bring up.

The resident stated that in the wintertime when the snow gets plowed the corner of his yard gets dug up. Mayor Lumpkins stated that corners, especially school bus stops, do get dug up as they plow those areas. He has resodded in the past but has not sodded yet this year because he thought he would bring up this issue to the Board. Mayor Lumpkins asked the resident for his address and stated that we would probably not put down new sod but that we would seed the area. Mayor Lumpkins stated that we had a bus stop area on Black Cherry Lane that we seeded. A resident in the audience thanked him for seeding that corner. The resident commented that the guys do a great job with plowing and he appreciates it.

A resident stated that he keeps his grass looking really nice and in good condition but has houses on each side of him that look like battlefields. Mayor Lumpkins stated that we do have a code enforcer out and he has been doing a good job. The resident asked what the code was and Mayor Lumpkins stated that he thinks it is eight inches for grass or weeds. Mayor Lumpkins told the resident that if he has a problem to just call the village hall and the code enforcer, who works part time, will go out.

A resident stated that in the morning when the children gather around the bus stop area that they sometimes would play soccer, football or something in the street. When the bus arrives some of the children move very slowly into the bus holding up traffic longer than necessary. Mayor Lumpkins stated that that is a separate governing body and he may want to contact the school district in regards to this issue. We have had very good success in working with the school district and they have even moved bus stops for us.

Another resident stated that there is a resident that cannot get a permit for their pool until they have a fenced in yard but through her friends door she can see two other pools that the yards are not fenced in. Mayor Lumpkins stated that if the pool is behind the house and nobody complains about it that we don't know it is there. The resident stated that it is on the side of the house and they are both corner houses and there is not a fence.

The resident stated that she has an issue with parking on the streets and over the sidewalks. She feels there has to be a better solution than what we currently have. Mayor Lumpkins stated that this is an issue that will not go away because fifty percent want parking on the street and fifty percent do not want parking on the street. The resident stated that next week she will have four vehicles in her driveway, with two of them being large vehicles, and she has a small house so she uses her garage as storage. The resident asked if she will have to call CenCom to park over the sidewalk or move two out to the street and Mayor Lumpkins stated that the right way that we recommend is to call CenCom and park two of the vehicles on the street. Mayor Lumpkins stated that he agrees it is a pain for people with four cars but this is how this Board wants to handle this

issue at this time. The resident questioned why we couldn't allow parking on the street during the day and not at night or allow parking over the sidewalks. Mayor Lumpkins stated that a drawback if we were to allow parking on the street is that people outside the village would be parking at the ponds and fishing as he has seen in other villages. Mayor Lumpkins added that that drawback is in addition to the safety issue. The resident stated that she totally agrees with that reasoning but questioned why we can't park over the sidewalks. The Board stated that this is to help handicapped people. Mayor Lumpkins stated that we allow residents to make a phone call to CenCom for parking relief. Mayor Lumpkins stated that the Board has discussed this issue many times over the last couple years because we know it is an issue but there is not one right answer. Mayor Lumpkins stated that it is not just the Board that does not want parking on the streets but also the village residents. This is an issue that half the people want this way and the other half want it the other way. The resident stated that she came to the Board before requesting a stop sign so she does care about the children. Mayor Lumpkins asked her what the result of that request was and she stated that she got the stop sign.

Mayor Lumpkins asked the Board if they were willing to review the parking issue again. Trustee Meeks stated that her answer would be the same, no parking on the street, and that for the safety of the children she does not want parking on the street. Trustee Mahoney stated that he would be willing to discuss it because it is an issue and doesn't have a problem with parking on one side of the street. Trustee Walker stated that there already is a solution and that solution is to call CenCom to park on the street. Trustee Faught stated that she is against parking on the street. Trustee Faught questioned if there is room on the street to have a car parked and two other cars traveling opposite ways passing freely and Mayor Lumpkins stated that the streets in the new subdivision are big enough. Trustee Faught stated that she no longer has young children at home but she still does not agree with parking on the streets because of all the young children in the village and takes seriously her responsibility of safety for everyone. A resident questioned what the difference is if people are going to call CenCom anyway to park on the street. Trustee Faught stated that calling CenCom is intended for parties and special circumstances. The resident expressed concern that she can't expand her driveway and does not know what to do besides having CenCom put on speed dial. Trustee Mahoney stated that he has recently called CenCom for parking for visitors and he had asked the CenCom dispatcher if this was a pain for them and she said that it is a royal pain. Trustee Germann stated that he has been on the Board for fifteen years and he is against parking on the street. Trustee Germann stated that the residents knew when they bought their property how many vehicles could park in their driveway. Mayor Lumpkins stated that he would hate to see parking on Lotus Drive because of the school and it being a thoroughfare in and out of the village. Mayor Lumpkins again asked the Board if they were open

for discussion on parking on the street and stated that Trustee Mahoney stated that he would be open for discussion and Trustee Katzel is obviously for parking on the street. Mayor Lumpkins stated that Trustee Walker stated no but Trustee Walker stated that he would be open for discussion. Chief Johnson stated that he would do anything that the Board says to do. Mayor Lumpkins stated that the Board would discuss this issue yet one more time. Mayor Lumpkins asked the audience to tell people to come forward and let the Board know what they want. Mayor Lumpkins stated that we would bring up parking on the street for discussion to try to resolve it and urged the residents to get involved. Mayor Lumpkins asked the audience if there were any more police questions since Chief Johnson needs to leave and there were no more.

Chief Johnson left the meeting at 8:35 p.m.

CORRESPONDENCE

There was nothing to report.

COMMITTEE REPORTS

Public Safety There was nothing to report.

Public Works There was nothing to report.

Building & Zoning There was nothing to report.

Sewer & Water There was nothing to report.

Administration There was nothing to report.

Ordinances There was nothing to report.

OLD BUSINESS

Speed Humps Mayor Lumpkins stated that he did not receive the prices yet for speed humps but will hopefully have prices for the next meeting so the Board can discuss whether or not they want these.

Ponds Mayor Lumpkins stated that two ponds in the village have been treated and we will wait to see the reaction of the ponds to decide if we should treat more ponds in the village.

NEW BUSINESS There was nothing to report.

AUDIENCE COMMENTS

Ordinance Access Jeff Kissinger stated that based on what he has been hearing that residents do not have access to the village ordinances and further stated that he had to pay seventy-five dollars to have a copy. Mayor Lumpkins stated that it

is not true that residents do not have access and any resident is more than welcome to come to the village hall to review our ordinances free of charge. Mayor Lumpkins stated that Jeff Kissinger wanted a copy of the entire book and that is why there was a seventy-five dollar charge. Jeff Kissinger stated that Round Lake Beach uses a web site to post their ordinances online. Mayor Lumpkins stated that we would look into this and see what the cost of it is. Mayor Lumpkins stated that our ordinances are in the midst of codification and within thirty days we should have them back and be up to date.

Pond Debris

A resident stated that there is debris in the pond. Mayor Lumpkins asked if we would be able to reach it and the resident stated that we would. Mayor Lumpkins stated that we would check it out and see what we can do about it.

MOTION

A motion was made by Trustee Meeks, Seconded by Trustee Faught and unanimously passed to adjourn.

ADJOURNMENT: 8:40 P.M.

Respectfully Submitted,

Susan A. Mahoney
Village Clerk