

**VILLAGE OF HINSDALE
SPECIAL MEETING OF THE
ZONING BOARD OF APPEALS
AUGUST 8, 2007**

1. Call to Order

Chairman Nelson called the meeting of the Zoning Board of Appeals to order on Wednesday, August 8, 2007, at 6:28 p.m., in Memorial Hall of the Memorial Building, 19 East Chicago Avenue, Hinsdale.

2. Roll Call

Present: Chairman Thomas Nelson, Members William Haarlow, John Callahan, Kim Angelo, John Richter, Bob Saigh

Absent: Marc Connelly

Also Present: Staff Secretary Christine Bruton

3. Motion to Adopt Agenda

Chairman Nelson explained this new item on our agenda. He stated that a simple majority can add or delete items from the agenda.

Member Saigh moved to adopt the agenda as presented. Member Callahan seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Saigh, Nelson

ABSENT: Connelly

NAYS: None

Motion carried.

Chairman Nelson asked for a motion to change the order of the agenda and take Item 6: Closed Session next. So moved by Member Angelo, seconded by Member Richter.

AYES: Haarlow, Callahan, Angelo, Richter, Saigh, Nelson

ABSENT: Connelly

NAYS: None

Motion carried.

Member Haarlow suggested that there might be someone from the audience who would like to speak. Chairman Nelson thanked him for the suggestion, and Member Haarlow **moved to add item 3A: Public Comment on matters not on the agenda to the agenda**. Member Callahan seconded the motion. Voice vote taken, all in favor, motion carried.

3A: Public Comment on matters not on the agenda

Mr. Dave Freeman, council for the Johannesens, addressed the Board because he wanted to make sure next weeks motions will be on the agenda next week. It was confirmed that Johannesen I is in the Appellate Court in Elgin. It was noted that this court has not set a briefing schedule. Johannesen II is pending in the Circuit Court before Judge Popejoy; a status date of August 23rd has been set in that case. Judge Popejoy did not officially stay this case. Chairman Nelson asked for a snapshot update of the mediation meeting on Friday, August 3rd. Mr. Freeman stated that it was a three hour meeting, nothing was resolved, but the parties came closer to consensus. Several options were discussed. Mr. Eddins, who was present, confirmed this accounting and had nothing to add. When asked, Mr. Freeman responded that he believes it is possible that all parties can come to an agreement. Mr. Eddins is reviewing plans for the Johannesen house and will get back with specific questions, however, this may not happen before the August 15th meeting. Mr. Freeman doesn't anticipate that the ZBA will receive any more documents on this issue.

Mrs. Mary Angelo addressed the Board and complimented them on the quotation of the month which she read into the record.

With no further citizen comments, Member Callahan **moved to adjourn to closed session per 5 ILCS 120/2(c) (1)/(2)/(3)/(11) - for the purpose of discussing pending litigation and to reconvene into open session.** Member Richter seconded the motion.

AYES: Haarlow, Callahan, Angelo, Richter, Saigh, Nelson

ABSENT: Connelly

NAYS: None

Motion carried.

The Board adjourned to closed session at 6:50 p.m.

The Board reconvened at 8:19 p.m., Mr. Callahan was not present for the remainder of the meeting

4. Status report and discussion of pending litigation

- a. Garfield, APP-01-05 - set for final hearing
- b. Johannesen I, APP-01-06 - wait to hear on August 15th motions to dismiss and summary judgement
- c. Johannesen II, APP-01-07 -
- d. Hinsdale Club, APP-02-07 – set for pre-hearing next week; waiting for

Judge Popejoy to decide if the ZBA has primary jurisdiction, concurrent jurisdiction or no jurisdiction.

Chairman Nelson asked for any motions from the Board following the closed session.

Member Angelo moved that the Zoning Board of Appeals discharge Mr. Kenneth Florey in the three cases where he is the attorney of record for the ZBA (APP-1-05, Garfield, APP-1-06, Johannesen I, and APP-1-07, Johannesen II) due to the conflict of interest inherent in his representation of the Village in its lawsuit against the ZBA and a letter be sent to him to that affect. Member Haarlow seconded the motion.

AYES: Haarlow, Angelo, Richter, Saigh, Nelson

NAYS: None

ABSENT: Callahan, Connelly

Motion carried.

8. Adjournment

With no further business coming before the Zoning Board of Appeals, Member Richter made a motion to adjourn. Member Angelo seconded the motion.

Voice vote taken, all in favor, motion carried.

Chairman Nelson declared the meeting adjourned at 8:28 p.m.

Christine M. Bruton
ZBA Staff Secretary

Approved: _____

