

**VILLAGE OF HINSDALE
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES
MONDAY, JANUARY 28, 2008
MEMORIAL HALL
7:30 P.M.**

Present: Chairman Michael Smith (7:42 p.m.), Trustee Orler, Trustee Follett, Trustee Cauley

Staff Present: Assistant Village Manager Douglas Cooper, Community Development Director Timothy Bleuher, Building Commissioner Robert McGinnis, Code Enforcement Officer Kelly Anbach, Police Chief Bradley Bloom, Fire Chief Michael Kelly

Others Present: John Bohnen, Steve Arens, Margaret Arens, Karl Weber, Cliff Van Wormer, Dianne Van Wormer, Harvey Seybold

Minutes – November 29, 2007

Trustee Follett moved to approve the November 29, 2007 minutes with corrections. Trustee Cauley seconded the motion. Motion passed unanimously.

Fire and Police Monthly Report – December 2007

Police Chief Bloom and Fire Chief Kelly presented the December 2007 Police and Fire Monthly report. A brief discussion was held concerning uncontrolled intersections.

Community Development Monthly Report – December 2007

Director Bleuher noted in his monthly report that December was a slow month due to the holiday season and the continuing slowing housing market. Director Bleuher mentioned that the revisions to the soon-to-be-adopted Building Code would be presented to the Committee at the February 25, 2008 meeting.

Trustee Orler asked if the listed turn-around time of three weeks was appropriate. Director Bleuher responded, and Building Commissioner McGinnis confirmed, that the ideal time for plans turn around was two weeks where the department is at currently.

Trustee Follett asked Commissioner McGinnis if the newly adopted Code would address preservation of historic structures. Commissioner McGinnis confirmed that there would be a section crafted to respond to this issue.

Discussion of 2009 Departmental Budgets for Police, Fire and Community Development

Doug Cooper gave a brief summary of the process in going forward with the Village's budget for 2008/09 and the major changes/line items for Police, Fire and Community Development. Mr. Cooper mentioned that both the Plans Examiner Position and the Geographic Information System (GIS) have not been included in the proposed budget and would be looked at again next year.

Trustee Follett stated that the Village has been pursuing installation of a GIS system for almost five years now and that she did not support dropping it until a revenue stream is available and that the time spent by staff to develop, by hand, exhibits for the various committees and commissions ultimately outweighs the cost of the system.

Trustee Orlor mentioned that he believed the Village would see somewhat of an increase in building permit fees as these were recently raised and because of the process, they have not as yet reaped the full benefit. He also went on to say that the projections in the proposed budget were conservative, with respect to permit revenue, because of the timing of some large projects currently in fruition within the Village. Trustee Orlor went on to state that some of the major projects, such as GIS, should be earmarked within this revenue stream.

Trustee Follett asked if staff can review line items in six-month projections in order to gauge if they were below or over in order to create a priority list and look at the possibility of spending on these items when revenue is found. Trustee Follett went on to state that there should be an open discussion on both the Plans Examiner position and the GIS system.

Trustee Orlor asked Director Bleuher that, if he had to choose between the two resources which he would need most.

Director Bleuher responded by saying that the market is slow and most likely that the Village will not see again the rate of redevelopment that it has experienced over the past 15 years and, therefore, can hold off on the Plans Examiner position for a time. Director Bleuher continued that the department has operated with a small staff and that they would be able to continue to multi-task as needed. However, having one person at the front counter dealing with phone and walk-in inquiries regarding plan status and interpretation questions was a good aspect of expected customer service.

Trustee Orlor asked about the possibility of a part-time examiner position. Director Bleuher responded he believed that would also be well received and a strong asset to the department.

Trustee Cauley asked Director Bleuher to describe GIS and its benefits to the Village. Director Bleuher noted that, in essence, it is a computer system that allows tying graphic information to text. He went on to say that it serves Village-wide departments such as Fire, Police, Public Services, Finance and Community Development. It allows capabilities such as building permit or police report tracking by address, tracking and mapping infrastructure systems, determining zoning regulations, providing various views of properties and buildings for Police and Fire personnel as some examples. Director Bleuher went on to note that it is a commonly found tool for municipalities and is utilized more and more as an interface between the public and private fields.

Appeal of Property Maintenance Violations – 314 West Hinsdale Avenue

Chairman Smith read for record the rules and procedures for this item and opened the public hearing per direction from the Village Attorney. Chairman Smith noted that the applicant has requested a continuance until the Committee's February meeting in order to have counsel present. The applicant confirmed the request.

Trustee Cauley believed that, if a resident requests a continuance in order to provide legal counsel, then they should abide. Trustee Cauley went on to say that it should be granted only this one time. All of the other members of the committee agreed to this point.

Chairman Smith confirmed that the appeal of the property maintenance violations would be continued until February 25, 2008.

8 East First Street – Exterior Appearance/Site Plan Review

Trustee Follett motioned for approval. Trustee Orler seconded. Motion carried unanimously.

631 East Hickory – Hinsdale Adventist Academy – Request: Exterior Appearance/Site Plan Review

Trustee Follett motioned for approval. Trustee Orler seconded. Trustee Cauley asked if the gap between the vertical bars would prevent a child from sliding through. Director Bleuher confirmed that the gap between bars was too narrow to allow this from happening. Motion carried unanimously

Case A-17-2007 – 10 East Hinsdale Avenue - Applicant: Multi-Dimensional Fitness Request: Special Use Permit for a Massage Therapy/Personal Training Facility on the Second Floor

Trustee Follett motioned for approval. Trustee Cauley seconded. Motion carried unanimously

Referral to Plan Commission - Text Amendment to Section 11-503E(o) of the Village Zoning Code – Authorized Variations/Building Coverage

Director Bleuher stated that there have been three recent occurrences where residential property owners who were in the process of remodeling their homes had

reached a cap on building coverage and had no avenue to pursue relief other than the circuit court system. He went on to say that the current Zoning Code allows the Zoning Board of Appeals to approve a ten percent overage on building coverage, if a hardship is proved, within the B-2 District alone. Also, in other municipalities, it was common practice that the Zoning Board of Appeals has this regulatory power. Director Bleuher stated that there was a resident driving this text amendment and that he was present this evening.

Mr. Harvey Seybold presented the fact that he was planning on constructing a garage at the rear of his home at a higher grade in order to address continuing flooding problems that he experiences on his property. He went on to say that he has lost two vehicles and that his insurance company dropped his coverage.

Trustee Follett asked the applicant if access to the garage would remain off of the alley. Mr. Seybold confirmed that access would remain the same and that his existing garage would now become a cellar and that the new building footprint would not be enlarged or impact current water runoff patterns and rates.

Trustee Cauley mentioned if the language of the proposed text amendment should relate to very extreme situations. Robb McGinnis responded by stating that the standards of which the Zoning Board of Appeals must find a true hardship are pretty stringent currently and the ZBA has been conservative in their reviews of applications.

Director Bleuher described the process of the application in going next to the Plan Commission, returning to this committee, and then on to the Board of Trustees for ultimate approval. Committee members discussed how best to expedite the application in order for Mr. Seybold to remediate the matter and not incur more damages. There was discussion on possibly eliminating the return of the application to ZPS, but was ultimately determined that it is a village-wide regulation and should be vetted out properly.

The applicant asked if he could submit permit drawings before closure of the process, and Commissioner McGinnis responded that he could but at risk based on the outcome of the public hearing.

Chairman Smith also added that the applicant is requesting a waiver of fees and that this can only be approved by the Board of Trustees.

Discussion of Planned Development Process

Trustee Follett opened the discussion by stating that she was confused on the proposed process to review planned developments. Director Bleuher responded that the process laid out was based on the volume of information which staff put together for the committee to go through and that the schedule was not locked in and could be changed by the committee at their whim.

Trustee Orler said that he would like public comment from both residents and developers on their likes and dislikes of the process and speak on supposed problems.

Trustee Follett asked that the committee hear from other community planning officials to describe their respective processes and their rights and wrongs.

The committee all agreed that the process of reviewing this regulation should begin with open discussion.

Chairman Smith said that the committee needs to review past processes and that he feels no developer should speak and that the current process is very flexible.

Both Trustees Orler and Follett responded by saying that the process was too flexible and that a developer or applicant should know up front what is to be expected in going through the planned development process.

Trustee Follett said that the subject of lifestyle housing should be dissected by the Zoning Rewrite Committee and not by this committee.

Trustee Orler noted that he wants to hear the perceived weaknesses of the current process first and discuss the concern with single building planned developments and public benefit.

Chairman Smith stated that the process of a planned development was most important to him.

Trustee Cauley had two issues that he wanted vetted out in their review; purpose and intent.

Trustee Orler said that at the next meeting the committee should articulate the problems and listen from other municipalities as to how Hinsdale's process compares.

Trustee Cauley said that this should be a "build up" process not "tear down."

The Committee agreed to omit reviewing the definition aspect of the process, the definition of lifestyle housing and multi-family regulations, and let the Zoning Rewrite Committee take these on.

Resident John Bohnen stated that lifestyle housing was only put in the Zoning Code because of a specific development in the downtown area and felt the addition was inappropriate.

The Committee agreed to first review the purpose and intent of planned developments, standards second, and process last.

Trustee Orler asked staff to put out a press release regarding next month's discussion of this topic.

Authorization to Solicit Bids for the Installation of a Fire Sprinkler System in the lower level of the Police and Fire Building

Fire Chief Kelly requested permission to seek competitive bids for a fire sprinkler system for the lower level of the Police and Fire Building. The Committee approved seeking competitive bids.

Status and Additional Recommendations to the Temporary Parking Permit Program

Chief Bloom stated that staff continues to closely monitor the changes implemented under the new parking permit system in and around the central business district. Beginning January 1, 2008, we began issuing an additional 50 permits to resident commuters on the commuter waiting list and expanded the area that can be used beyond the Village lot to include most of the permit areas north of the railroad tracks.

Chief Bloom reviewed a map showing the average number of permits available by area. Chief Bloom stated that we continue to have an ample supply of permit parking in the red parking areas both south and north of the tracks, and we have exhausted the merchant permit waiting list. Additionally, notice we have many permit spaces available north of the tracks. Therefore, we are recommending that we issue 50 additional permits to resident commuters.

Chief Bloom said that the temporary permit changes seem to be working well. Merchant feedback overall has been positive. We have had some isolated complaints from realtors who come and go throughout the day and complain of not having a reserved space available upon return. If all of the people on the waiting list take advantage of these additional permits, the waiting list will be reduced to 248 people, down from 980 people in January of 2007.

Lastly, we are recommending converting the 12 metered spots on Lincoln between Chicago and Maple to red/blue permits. These metered spots are primarily used by non-residents who can be easily relocated to the Chestnut Street paybox controlled commuter lot. The Committee was in agreement with these recommendations.

Discussion of Automated Red Light Photo Enforcement

Chief Bloom stated that in 2006 legislation was enacted by the General Assembly to allow municipalities to conduct automated red light photo enforcement. Under provisions of this legislation, municipalities must first prove a significant number of accidents have occurred at a signalized intersection as a result of drivers violating traffic control signals. Municipalities must then apply to the entity that maintains the roadway whether it is the state or county for a permit to conduct red light photo enforcement.

Automated red light photo enforcement is a system that automatically takes a picture of a vehicle violating the traffic control signal. Images are captured and forwarded to a designated police officer for review. Once reviewed if the officer verifies that a violation has occurred a notice of violation is sent to the registered vehicle owner.

The vehicle owner then has the option of paying the fine, typically \$100, or contesting the violation through a local administrative review process. Many of the vendors operating automated red light enforcement systems on behalf of municipalities allow the violator to go on-line to review a video of the actual violation. Typically, this results in few vehicle owners challenging the violation through the administrative review process. An automated red light enforcement violation does not count against a motorist's or vehicle owner's driving record.

Chief Bloom indicated that there are many vendors supplying automated red light photo enforcement all with different costs and fee structures depending on the services supplied by the vendor. Some vendors require a monthly fee to use the equipment and others base their fees on a percentage of violations issued or fines generated. Municipalities that currently use photo enforcement systems have generated significant revenue with photo enforcement systems and more importantly have reduced the number of accidents at an intersection. Chief Bloom stated that typically most vendors survey the intersections prior to quoting a fee to determine the number of red light violations present.

Implementation of an automated red light photo enforcement system usually included a period of time when only warnings are issued. Chief Bloom stated that we have several red light controlled intersections with a history of accidents that would justify an automated red light photo enforcement with the most significant being York and Ogden Avenue with 264 accidents within the last five years.

Chief Bloom stated that, if the Committee is in conceptual agreement, this warrants further research, and we will conduct a comprehensive study and return to the ZPS Committee for further discussion and approval.

The Committee then held a brief discussion on photo red light enforcement. Trustee Follett indicated that there was some interest in this system during the strategic planning process. Trustee Cauley said he would be interested to see if communities that have implemented such systems have actually seen a reduction in accidents following implementation. Chief Bloom said he would look into this and continue to research the photo radar enforcement systems.

Discussion of DUI Impound Fees

Chief Bloom stated that, as a way to offset the costs associated with the arrest and prosecution of persons charged with DUI or having a suspended driver's license, many municipalities are now charging vehicle impound fees. The law requires that we tow and impound a vehicle when the driver is arrested for DUI or having a

suspended driver's license under specific circumstances. Currently, the driver after the arrest obtains a tow release from us and is responsible for paying all of the tow fees.

Under the impound fee program, the vehicle would only be released after the driver pays the impound fee. Impound fees charged are usually around \$500. The costs related to these cases that includes officer booking time and overtime court appearances often exceeds the \$500 impound fee. If you are in agreement that this idea merits further research, the next step is to develop a Village ordinance and an administrative process to offer a due process for people challenging this fee.

The Committee had a brief discussion regarding recouping costs and the administrative hearing process. Trustee Cauley inquired if the administrative hearing could be tied to the outcome of the underlying charge and omitted from the process. Chief Bloom stated he would look into that and continue researching this issue.

Adjournment

Trustee Cauley moved to adjourn. Trustee Orlor seconded the motion. Motion carried unanimously. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Bradley Bloom
Chief of Police

BB/dfp