

**VILLAGE OF HINSDALE  
ZONING AND PUBLIC SAFETY COMMITTEE MINUTES  
SPECIAL MEETING  
Monday, June 4, 2007  
Memorial Hall  
7:30 p.m.**

Meeting began at 7:05 p.m. with all members present in addition to Ken Florey, Village Attorney, Dave Cook, Village Manager and Tim Bleuher, Community Development Director.

Item 2 –

Chairman Smith introduced the item and stated that he had a personal concern with respect to any action by this committee due to the stay being in place. He went on to state that he felt that this, per his interpretation of the Village's Zoning Code, to be under the jurisdiction of the Zoning Board of Appeals. Lastly, Smith stated that he felt that the Board of Trustees was overstepping its bounds in calling this special meeting.

Trustee Cauley stated that he had the same concerns as Chairman Smith and read the language of the stay put on the Hinsdale Club case by the chairman of the Zoning Board of Appeals. Cauley felt that the Committee was obliged to follow the stay order.

Ken Florey told the Committee that he was unable to give them legal advice due to the litigation related to the Hinsdale Club development.

Trustee Follett stated that she felt that the ZBA and its chairman were out of bounds on the stay order and that the ZBA is subordinate to the Board of Trustees. Follett went on to say that staff did not make the recommendation to approve the Hinsdale Club development, the Board did.

Trustee Cauley stated that the development should be heard in court.

Trustee Orlor stated that, under advice from the village attorney, this item should be moved on to the full Board for discussion as they will make the final decision on the matter.

Chairman Smith asked the village attorney if the item would move forward if there was a split vote or a vote for denial. The attorney responded by saying that the item would move forward to the Board of Trustees in either case.

Chairman Smith stated that he felt this item should be discussed at a regularly scheduled meeting not at this special meeting. Trustee Orlor responded by saying that this is a scheduled meeting and the item should move onto Board. Trustee Follett seconded that recommendation.

Trustee Cauley stated that he felt sandbagged with this item being discussed at this special meeting of the committee.

Trustee Orler made the motion to move the item forward to the Board. Trustee Follett seconded that motion. Trustee Cauley and Chairman Smith both voted nay on the motion.

Chairman Smith stated that he felt that, per the language of the Zoning Code, the item did not meet the required timeline in order to discuss.

The village attorney responded by saying that this point would be discussed at the closed session of the Board.

Item 3 –

Chairman Smith introduced the item by reading the staff memo and then opened the meeting for public discussion.

Karl Weber, resident, stated that the idea to remove the Zoning Board of Appeals and replace them with a public hearing officer is stupid.

Michael Mizner, resident and architect, stated that his experience in dealing with the ZBA was the most appalling of any of the communities that he has worked in. He went on to say that the extensive time period in dealing with the ZBA was unwarranted and that most of the discussion items were out of the jurisdiction of the ZBA and were already discussed with the Plan Commission. Lastly, he went on to say that the treatment on applicants by the chairman was unprofessional and asked that this committee take charge of the ZBA.

James Elder, resident, countered Mizner's comments on the ZBA and stated that the conduct of the chairman was indeed professional.

Ralph Muehler, resident, addressed the structure of the Hinsdale government and the ZBA's placement within that structure.

Trustee Orler made mention that all of these discussion points would be discussed at tomorrow night's Board meeting.

Julie Crnovich, resident, stated that she attends all of the ZBA meetings and that the Board cannot do away with the ZBA in that they are integral to the system.

Sam Eddins, resident, addressed the structure of the Hinsdale government and the ZBA's important role within that.

Barbara Johannesen, resident, described her experience in dealing with the ZBA as outrageous and not following the due process of the law. She also described the undue costs toward litigation for all parties involved.

Mark Daniel, attorney for Sam Eddens, spoke on the litigation case of First and Garfield and how the ZBA was integral in that process. He went on to say that he had concerns with the village attorney on decisions regarding discussing the item in executive session and recommended an open forum to discuss this item.

Norm Chimenti, former resident and attorney for Barbara Johansen, stated that there was only one issue to discuss and that is to move the item forward to the Board of Trustees and let them decide if it will see the light of day.

Chairman Smith concluded the public comments portion of the meeting and quoted two sections of the Zoning Code dealing with amendments and the thirteen standards for amendments and that one of those standards is not litigation as is the cause for the village president to call for this special meeting.

Trustee Cauley stated that he was sympathetic to both the positive and negative experiences that people spoke on tonight. He went on to say that even as members of the ZBA are turned over with respect to their terms, these positive and negative experiences would still carry forward. Cauley stated that he did feel the proposed text amendments and additions would lessen litigation costs to the village.

Trustee Orlor stated that this is only a fact finding issue and would like to discuss the points of the proposal in executive session.

Trustee Follett stated that the item should move forward to the Plan Commission for ultimate discussion. Follett went on to say that this whole discussion proves again that the zoning code is broken and needs an entire overhaul.

Chairman Smith supported the comments of Trustee Cauley and that he felt that this committee has an opportunity to stop the item from proceeding. He went on to say that he personally felt that the item should not move forward and questioned the village attorney as to what would happen if the vote was to not move the item forward. The village attorney responded by saying that the item would move forward regardless as the committee is a recommendary body.

Trustee Orlor made the motion to refer the item to Plan Commission.

Trustee Follett seconded the motion

Chairman Smith and Trustee Cauley voted against the motion.

Ken Florey stated that this item would not be on the consent agenda of the Board tomorrow night.

The meeting ended at 8:15 p.m.

