

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
AGENDA
MINUTES OF THE MEETING
October 15, 2013**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees was called to order by President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, October 15, 2013 at 7:30 p.m.

Present: President Tom Cauley, Trustees J. Kimberley Angelo, William Haarlow, Gerald J. Hughes, Laura LaPlaca and Bob Saigh

Absent: Trustee Christopher Elder

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Finance Darrell Langlois, Director of Community Development Robb McGinnis, Village Engineer Dan Deeter, Fire Chief Rick Ronovsky, Village Attorney Lance Malina and Village Clerk Christine Bruton

PLEDGE OF ALLEGIANCE

President Cauley led those in attendance in the Pledge of Allegiance.

APPROVAL OF MINUTES

President Cauley suggested corrections to the draft minutes. Trustee LaPlaca moved to **approve the draft minutes of the special meeting of October 2, 2013, as amended.** Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

CITIZENS' PETITIONS

Ms. Mary Lebbin of 3815 Washington Street, Oak Brook addressed the Board stating she lives in the third house from Glendale Avenue and the Marcucci residence. Her house is in the same flood plain and she is concerned with any changes in the area topography. She has no issues with the raising of the home, but rather with the proposed berm. She commented that she and her husband bought their home in 1985 and worked with engineering, the Village of Oak Brook and FEMA about potential flooding, noting it was critical they not flood their neighbors. She would like the Marcucci's to show the same consideration for their neighbors.

VILLAGE PRESIDENT'S REPORT

No report.

CONSENT AGENDA

President Cauley read the Consent Agenda as follows:

Items Recommended by Zoning & Public Safety Committee

- a) Resolution Approving and Accepting a Plat of Subdivision to Re-subdivide the Properties Commonly Known as 201 and 205 S. Vine Street in the Village of Hinsdale, County of DuPage (Omnibus vote) (R2013-18)
- b) Ordinance Approving a Map Amendment for the Properties Located at 201 and 205 S. Vine Street (Omnibus vote) (O2013-27)
- c) Ordinance Amending Article XI (Zoning Administration and Enforcement), Section 11-103 (Plan Commission), as it Relates to Term Limits (Item considered separately)

Items Recommended by Administration & Community Affairs Committee

- d) Acceptance of the Village's Comprehensive Annual Financial Report (CAFR) and the Management Letter for the Fiscal Year Ended April 30, 2013 (Omnibus vote)

Trustee Haarlow asked that Item C be pulled from the Consent Agenda. Trustee Saigh moved **to approve the Consent Agenda, as amended**. Trustee Hughes seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

**Ordinance Amending Article XI (Zoning Administration and Enforcement),
Section 11-103 (Plan Commission), as it Relates to Term Limits (O2013-28)**

Trustee Haarlow asked for clarification in terms of the Village President and his power relative to the Board. Village Attorney Lance Malina commented that the current language regarding appointments did not match State code, which it must as a non-home rule community. This ordinance is basically clean up. The appointment process will function as it already does; President Cauley makes the appointment with the advice and consent of the Board. Trustee LaPlaca asked about staggering of terms, Mr. Malina said the way it's drafted now matches procedure and State code and terms are properly staggered. Trustee Haarlow moved to approve an **Ordinance Amending Article XI (Zoning Administration and Enforcement), Section 11-103 (Plan Commission), as it Relates to Term Limits**. Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Accounts Payable

Trustee Angelo moved **Approval and Payment of the Accounts Payable for the Period of September 28, 2013 through October 11, 2013 in the aggregate amount of \$1,335,691.80 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk**. Trustee Hughes seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

ENVIRONMENT AND PUBLIC SERVICES

Ordinance Authorizing the Vacation of a Certain Portion of an Unimproved Alley Situated West of and Adjoining 722 S. Bruner Street in the Village of Hinsdale, DuPage and Cook Counties, Illinois (O2013-29)

President Cauley introduced the item. Trustee LaPlaca noted this is coming directly to the Board since the EPS meeting immediately preceded the Board meeting; further this is a time sensitive, straight forward matter. Village Engineer Dan Deeter confirmed that this is currently not a through street. Trustee LaPlaca moved to approve an **Ordinance Authorizing the Vacation of a Certain Portion of an Unimproved Alley Situated West of and Adjoining 722 S. Bruner Street in the Village of Hinsdale, DuPage and Cook Counties, Illinois**. Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

ZONING AND PUBLIC SAFETY

Approve an Ordinance Approving a Height Variation for the Single Family Residence Located in the R-4 Single Family Zoning District at 14 East Glendale – ZBA Case #V-06-13 (O2013-30)

Mr. Scott Day, attorney for Mr. and Mrs. Mark Marcucci, addressed the Board. He explained that his clients had applied to the ZBA for a variation to increase the height of their home in order to alleviate basement and first floor flooding. The plan is to raise the elevation of the home 3' feet by adding to the size of the foundation. The ZBA unanimously recommended approval of the application. Mr. Day explained that none of the objections made at the public hearing were related to the request to raise the house only to possible storm water implications. He stated that all proposed changes to the Marcucci property conform to Du Page County stormwater regulations. His engineer and the Village staff engineer agree with their conclusions. Mr. Thomas Burke, of Christopher B. Burke Engineering, Ltd. approached the podium. President Cauley asked about the proposed berm, to which Mr. Burke replied the berm is a wall around the house which will help keep the water away from the house; as the house is raised you have to raise the driveway and the walkout from the house. The berm will

be constructed according to County, State and FEMA regulations. Mr. Burke reported his very conservative analysis of the impact of raising the home, concluding there is no negative impact on any surrounding property. The water that currently goes into the Marcucci basement will become evenly dispersed to the floodplain by 0.01-feet. This is statistically insignificant and is basically zero change.

Trustee Saigh confirmed there is compensatory storage already on the property. Mr. Burke explained the backyard storage will stay as is and additional storage will be provided according to regulations. Retention fills automatically as the Creek rises and empties as the Creek lowers, dissipating by gravity. Village Engineer Dan Deeter stated he has reviewed Burke's engineering report and concurs with the conclusions contained therein. Trustee Saigh moved to approve **an Ordinance Approving a Height Variation for the Single Family Residence Located in the R-4 Single Family Zoning District at 14 East Glendale – ZBA Case #V-06-13**. Trustee LaPlaca seconded the motion.

Trustee Saigh wondered if there would be any Village liability relative to approving this item and stated he understands the neighbor's anxiety. President Cauley commented we either agree with the report or not. Trustee Hughes clarified the stormwater issues are governed by DuPage County regulation and this proposal is in compliance. Mr. Day confirmed they are in full compliance to Federal, State, regional, County and local regulations. Mr. Deeter offered that the Village adopted the Du Page County ordinance in its entirety. Trustee Hughes pointed out that the homeowner could lop off the roof and this matter would not be before the Board. Mr. Malina stated the Village is not liable; case law is clear when a municipality administers rules they are not liable. Further, he stated Mr. Burke would have to answer for this. President Cauley stated the Board tries to do the best for all the neighbors, but this water is not run-off, it is a floodplain issue. The overall impact is spread out over a very wide area. Trustee Angelo commented this remedy is akin to putting a house on stilts.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

Approve an Ordinance Approving Certain Sign Variations for a Cancer Treatment Center Development in the O-3 Office Zoning District at 421 East Ogden Avenue – ZBA Case #V-09-13 (O2013-31)

Mr. John George, attorney representing the Adventist Hinsdale Hospital, stated that the signage variations were unanimously approved by the ZBA. One of the

signs was objected to by the Plan Commission and has been withdrawn, although it was approved by the ZBA. Mr. Kevin Harney, architect for the project, provided a presentation of the sign locations. He stated this is a health care campus with appropriate signage that complements the facility and is in harmony with the surrounding area. Additional signage was necessary due to changes to Spinning Wheel Road. He illustrated the location of each sign and described its purpose as well as proposed materials for construction. The signs will include some landscaping and vegetation but they are still working with the landscape architect on specific plants. Trustee Saigh moved to approve an **Ordinance Approving Certain Sign Variations for a Cancer Treatment Center Development in the O-3 Office Zoning District at 421 East Ogden Avenue – ZBA Case #V-09-13**. Trustee LaPlaca seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

Ordinance Approving a Major Adjustment to a Site Plan/Exterior Appearance Plan at 26-32 East First Street – Garfield Crossing (O2013-32)

President Cauley introduced the item and explained that the Board voted on this last time, but did not approve the ordinance at that time. Trustee LaPlaca moved to approve an **Ordinance Approving a Major Adjustment to a Site Plan/Exterior Appearance Plan at 26-32 East First Street – Garfield Crossing**. Trustee Haarlow seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

STAFF REPORTS

No reports.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee LaPlaca **moved to adjourn the regularly scheduled meeting of the Village Board of Trustees of October 15, 2013.** Trustee Hughes seconded the motion.

AYES: Trustees Angelo, Haarlow, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: Trustee Elder

Motion carried.

Meeting adjourned at 8: 15 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk