

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
October 19, 2010**

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 19, 2010 at 7:30 p.m.

Present: President Tom Cauley, Trustees J. Kimberley Angelo, Bob Saigh, Laura LaPlaca and Doug Geoga

Absent: Trustees Cindy Williams and Bob Schultz

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Director of Community Development/Building Commissioner Robb McGinnis and Deputy Village Clerk Christine Bruton

Also Present: Ken Knudson-The Hinsdalean and Don Grigus-Suburban Life, Chuck Fieldman – The Doings

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Trustee LaPlaca moved **to approve the minutes of the Meeting of October 5, 2010**. Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

CITIZENS' PETITIONS

Kim Savage, a member of the College of DuPage Board of Trustees, addressed the Board regarding the no tax rate increase referendum proposed for improvements to the College.

Glen Bjorkman, 923 S. Bruner Street, addressed the Board regarding Illinois State Highway Route 83 located on the western border of Hinsdale. He noted that when it was improved in the late 1980's, it was constructed with four lanes, but provisions were made for six lanes. He recently spoke with IDOT representatives about installing the other two lanes as traffic now substantially backs up at various times of the day. IDOT explained that that project is not currently high on their priority list, but if the Village would express an interest in having this addressed they would take another look at prioritizing. Mr. Bjorkman urged the Board to express an interest to IDOT on this matter.

VILLAGE PRESIDENT'S REPORT

President Cauley stated that the Oak Street Bridge is coming to the end of its useful life. The Burlington Northern Santa Fe Railroad owned it and planned to tear it down, but sold it to the Village of Hinsdale for \$1.00 and the right to rebuild the bridge. The cost to rebuild is approximately \$17 million. However, he reported that the Village has received a \$3.8 million grant through the DuPage Mayors and Managers Conference and combined with monies previously received or promised from the Illinois Commerce Commission, the Capital Bill and IDOT, the Village will be able to completely fund the reconstruction with grant monies. No Village funds will need to be spent. He noted that Patty Bellock and Kirk Dillard were instrumental in securing funds and thanked staff for their efforts as well. He also noted that four blocks of Oak Street will be resurfaced as part of this plan.

Regarding the sales tax referendum, President Cauley stated that a common question being asked is are the downtown businesses in favor of the referendum and what will the impact be to them. He read a letter dated October 14, 2010 from Mr. Paul Garver, President of the Hinsdale Chamber. Mr. Garver writes in support of the referendum and states that the Chamber endorses the Village efforts. Further, they understand that the money raised will be used to fund public infrastructure which supports the Village charm that attracts shoppers.

CONSENT AGENDA

President Cauley read the Consent Agenda as follows:

Items Recommended by Environment & Public Services Committee

Item A: Award Central Business District Snow Removal to Fullers Services in the amount of \$950.00 per event (Omnibus vote)

Item B: Resolution for Improvement by Municipality under the Illinois Highway Code for Chestnut Street Project Design Engineering (Omnibus vote) (R2010-20)

Item C: Resolution for Improvement by Municipality Under the Illinois Highway Code for North Washington Street Project Design Engineering (Omnibus vote) (R2010-21)

Item D: Resolution for the Veeck Park Wet Weather Facility Contract Change Order Number 4 in the amount of \$17,606.51 to John Burns Construction Company as per the Letter to Dave Cook from Clark-Dietz dated September 29, 2010, as well as the Two Additional Change Order Items Related to the Excavation of the Dirt On-site and the Landscaping of the North Berm with the Understanding that all Costs Associated with those Two Items will be borne by Clark-Dietz (Omnibus vote) (R2010-22)

Item E: Resolution for the Local Agency Amendment #1 for Federal Participation in IDOT Section 08-0086-00-RS; the Garfield Street Utility Improvements Project (Omnibus vote) (R2010-23)

Items Recommended by Zoning & Public Safety Committee

Item F: Ordinance Amending Article V (Business Districts), Section 5-110 (Bulk, Space and Yard Requirements), Subsection A (Maximum Height) and Subsection G (“Exceptions and Explanatory Notes”) of the Hinsdale Zoning Code Regarding Overall Building Height in the B-2 Central Business District (Item addressed separately)

Item G: Ordinance Approving Site Plans and Exterior Appearance Plans for Replacement of Fence at 18 S. Blaine Street (Omnibus vote) (O2010-47)

Item H: Ordinance Approving Site Plans and Exterior Appearance Plans for the Installation of a Fence at 19 E. Chicago Avenue (Omnibus vote) (O2010-48)

Item I: Ordinance Approving a Special Use Permit for a Planned Development, Site Plans and Exterior Appearance Plans for Façade Changes to the Commercial Building Located at 420 E. Ogden Avenue (Omnibus vote) (O2010-49)

Trustee Geoga asked that Item F be removed for separate discussion. Trustee Saigh **moved to approve the Consent Agenda, as amended.** Trustee Angelo seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

Ordinance Amending Article V (Business Districts), Section 5-110 (Bulk, Space and Yard Requirements), Subsection A (Maximum Height) and Subsection G (“Exceptions and Explanatory Notes”) of the Hinsdale Zoning Code Regarding Overall Building Height in the B-2 Central Business District

Trustee Geoga explained his concerns regarding the height restrictions in the B-2 Central Business District as it relates to existing structures that do not conform yet are consistent and essential to the charm of the Village. This amendment seems to suggest that these existing buildings that are exempt from the height requirement, may also be exempt from other applicable sections of the code. He is troubled by this, but agrees that something needs to be done, and will vote yes on this item. Trustee LaPlaca commented that she moved this forward with the Village Attorney’s assistance and agrees that this is a better solution than no solution. Trustee Saigh commented that he appreciates this to be a commitment to uphold the stature and special nature of the Village.

Trustee LaPlaca moved to approve an **Ordinance Amending Article V (Business Districts), Section 5-110 (Bulk, Space and Yard Requirements), Subsection A (Maximum Height) and Subsection G (“Exceptions and Explanatory Notes”) of the Hinsdale Zoning Code Regarding Overall Building Height in the B-2 Central Business District. (O2010-50)** Trustee Angelo seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Accounts Payable

Trustee Angelo moved **Approval and Payment of the Accounts Payable for the Period of October 2, 2010 through October 15, 2010 in the aggregate amount of \$1,153,154.62 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

ENVIRONMENT AND PUBLIC SERVICES

No report.

ZONING AND PUBLIC SAFETY

Ordinance Amending Article XI (Zoning Administration and Enforcement), Part V (Interpretations, Appeals and Variations), Section 11-503 (Variations) of the Hinsdale Zoning Code to give the Board of Trustees Authority to Grant Certain Variations

President Cauley introduced the item and explained that it has been reviewed by ZPS and the Plan Commission and that it remedies a gap in our zoning code. There are remedies that the ZBA can grant when it has determined hardship, but it cannot remedy such requests as FAR. This ordinance will allow the ZBA to conduct a public hearing on matters of this nature and with four affirmative votes, it can recommend that the Village Board grant a request to vary those matters that are not within the jurisdiction of the ZBA. If the ZBA determines there is no hardship, the matter will die there, only an affirmative vote of four will move an item forward.

Mr. Bill Haarlow, ZBA Chair, addressed the Board stating it is his strong opinion that there is a place for this amendment. The ZBA cannot waive FAR because when the code was drafted, it was too important an issue for an appointed Board to do on their own, this ordinance provides two levels of review. If the ZBA does not affirmatively recommend redress, the Village Board could not approve the matter anyway. The ZBA and the Plan Commission are not the same; the ZBA is not advisory, but quasi-judicial. To maintain the independence of the ZBA, Mr. Haarlow asked the Board not set up a situation where they can ignore the recommendations of the ZBA. He asked that a language addition be considered in the section where the ordinance references the four affirmative votes to move a matter forward. It is implied that if you don't have that it won't go forward, but he would like to make the statement explicit; a lack of approval from the ZBA would preclude the matter from being forwarded to the Village Board.

Trustee LaPlaca commented that it makes sense that the ZBA would determine hardship, as that is their expertise. Discussion followed regarding the decision making criteria used by the ZBA, and it was noted that all standards would have to be met for recommendation to the Board, not just hardship. Procedurally, when a matter of this nature is before the Village Board, there would be a reading of the facts and the recommendation and a vote. The ZBA has created the record, and it is the only admissible evidence, no further testimony would be considered at the Board level. Village Attorney Florey pointed out that a matter could be remanded back to the ZBA. Mr. Florey will revise the language of the ordinance to include the suggested language of Mr. Haarlow.

Trustee Angelo moved to approve the **Ordinance Amending Article XI (Zoning Administration and Enforcement), Part V (Interpretations, Appeals and Variations), Section 11-503 (Variations) of the Hinsdale Zoning Code to give the Board of Trustees Authority to Grant Certain Variations, as amended. (O2010-51)** Trustee Saigh seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No report.

STAFF REPORTS

Village Manager Cook reported that he received word late this afternoon that BNSF will fix the Lincoln Street crossing beginning on October 29th and will be closed for a approximately a week of comprehensive repair. He also noted that the Garfield Street repairs should be completed by mid-November.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Village Board of Trustees, and no need for a Closed Session, Trustee Saigh **moved to adjourn the meeting of October 19, 2010.** Trustee LaPlaca seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Geoga

NAYS: None

ABSTAIN: None

ABSENT: Trustees Williams and Schultz

Motion carried.

Meeting adjourned at 8:14 p.m.

ATTEST: _____
Christine M. Bruton, Deputy Village Clerk