

**VILLAGE OF HINSDALE  
MINUTES OF MEETING OF THE  
VILLAGE BOARD OF TRUSTEES  
August 16, 2011**

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, August 16, 2011 at 7:30 p.m.

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

Absent: None

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager/Finance Director Darrell Langlois, Director of Community Development Robb McGinnis, Director of Community Development Tim Scott, Director of Public Services George Franco, Police Chief Brad Bloom, Fire Chief Mike Kelly and Village Clerk Christine Bruton

Also Present: Reporters from The Suburban Life, The Hinsdalean, Patch.com and The Doings

**PLEDGE OF ALLEGIANCE**

President Cauley led those in attendance in the Pledge of Allegiance

**APPROVAL OF MINUTES**

Clarifications to the minutes were suggested and agreed upon by the Trustees. Trustee Elder moved **to approve the minutes of the Regular Meeting of July 12, 2011, as amended.** Trustee Geoga seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## LIFE SAVING PROCLAMATION

President Cauley reported the incident that occurred at the Fourth of July Parade where Mr. Ron Raidy, one of the participants, went into cardiac arrest, but whose life was saved by the quick thinking of Village Police and Fire staff and the Hinsdale Hospital float containing medical staff that was directly behind Mr. Raidy. Police Chief Bloom called forward Mr. Mike Dominguez, Dr. Michelle Meziere, Firefighter Paramedic Don Newberry, Officers Tim Lennox and Thomas Lillie and Mr. Ron Raidy. (Unable to attend were Firefighter Paramedics Mike Karban, Tom McCarthy, Doug Niemeyer and Andy Smith, Dr. Greg Lewis and Dr. Jennifer Owens.) Chief Bloom further explained the events of that day and commented that so many good things came together to save a life. Fire Chief Mike Kelly read the citizen awards. President Cauley read the proclamation. Mr. Raidy thanked the Police and Fire Departments and Hinsdale Hospital medical staff for saving his life.

## APPOINTMENTS TO BOARDS & COMMISSIONS

President Cauley asked for a motion to appoint Jerry Hughes as chairman of the Finance Commission. Mr. Hughes has been a member of the Finance Commission for two years. President Cauley outlined his qualifications for the position. Trustee Elder moved **to approve the appointment of Mr. Jerry Hughes as Chairman of the Finance Commission through his current term of April 30, 2012.** Trustee Saigh seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## CITIZENS' PETITIONS

President Cauley asked all present wishing to speak to the Edens agenda item hold their comments until that matter is addressed by the Board. There were no persons wishing to make other comments at this time.

## VILLAGE PRESIDENT'S REPORT

President Cauley acknowledged the passing of Mr. Gary Peart and extended condolences to his family. Mr. Peart was an active, long-time Hinsdale resident; he was a past president of the Hinsdale Rotary and the Chamber of Commerce. Donations to the Hinsdale Rotary are requested in lieu of flowers.

President Cauley provided the following updates: the Chestnut Street project, the major road project this year, was delayed waiting for a loan from the State of Illinois. The Village received word today that the loan has been approved; it is a \$3.6 million, 1.25% simple interest loan, which is a very good rate. Road and sewer work will start on Monday. The Veeck Park dirt will be removed, however, the rain this summer has caused ongoing delays. Road resurfacing is in full swing and the Village is able to add more roads to this year's list of roads to be resurfaced. Regarding Woodlands infrastructure work, the Village is attempting to get feedback from Woodlands residents on whether they are in support of Special Service Areas to fund the improvements. The Board will address this issue at their next meeting. He urged those residents who have not responded to the survey to please do so.

### CONSENT AGENDA

President Cauley read the consent agenda as follows:

#### **Items Recommended by Administration & Community Affairs Committee**

- a) Approve a Contract with Kaplan Financial Consulting, Inc. to Act as Financial Advisor on the Proposed Alternate Revenue Bonds (Omnibus vote)
- b) Approve a Paddle Tennis License Agreement with Mary Doten for a Period of One Year at the Rate of \$5,700.00 (Omnibus vote)
- c) Approve a Special Use Permit and Fee Waiver of \$250.00 to the Hinsdale Masonic Lodge for the use of Burlington Park on Sunday, September 24, 2011 (Omnibus vote)
- d) Approve a Special Use Permit and Fee Waiver of \$250.00 to the Hinsdale Rotary for the use of Robbins Park on Sunday, October 16, 2011 (Omnibus vote)

#### **Items Recommended by Environment & Public Services Committee**

- e) Resolution for the Chestnut Street Design Phase Engineering Services, Design Contract Change Order Number 1 in the amount of \$0.00 to Clark Dietz, Inc. (Omnibus vote) (R2011-11)
- f) Resolution for the Chestnut Street Construction Phase Engineering Services Contract, Construction Phase Change Order Number 1 in the amount of (\$15,000.00) to Clark Dietz, Inc. (Omnibus vote) (R2011-12)
- g) Resolution for the N. Washington Reconstruction Design Services Contract Change Order Number 1 in the amount of \$30,220.00 to Clark Dietz, Inc. (Omnibus vote) (R2011-13)
- h) Waive Competitive Bidding and Award Brick Repair on 1<sup>st</sup> Between Park St and Elm St to Doyle Brick Paving Co. in the Amount of \$23,100.00 (Omnibus vote)
- i) Approve the Purchase of a 2011 Ford Taurus through the Suburban Purchasing Cooperative in the amount of \$19,599.75 from Currie Motors (Omnibus vote)

- j) Approve the 2011 IPM Plan to control weeds using the pesticide Tripower as needed for 9 parkland locations (Omnibus vote)
- k) Ordinance Vacating the West Half of Public Alley Right-of-Way Adjacent to and East of 809 S. Thurlow Street at a Purchase Price of \$13,000.00 (Omnibus vote) (O2011-36)
- l) Ordinance Vacating the West half of Public Alley Right-of-Way Adjacent to and East of 633 S. Monroe Street at a purchase price of \$8,500.00 (Omnibus vote) (O2011-37)
- m) Resolution Approving a Certain Contract Change Order for the 2011 Resurfacing Project Construction Change Order #1 in an amount not to exceed \$290,098.85 to Brothers Asphalt Paving, Inc. (Omnibus vote) (R2011-14)

Trustee LaPlaca moved **to approve the Consent Agenda, as presented.** Trustee Geoga seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

Motion carried.

#### **ADMINISTRATION AND COMMUNITY AFFAIRS**

Trustee Elder moved **Approval and Payment of the Accounts Payable for the Period of July 9, 2011 through August 5, 2011 in the aggregate amount of \$1,559,142.95 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Geoga seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

Motion carried.

#### **Ordinance Amending Title 3 (Business and License Regulations), Chapter 3 (Liquor Control), Section 3-3-5 (Local Liquor Licenses) Creating a New Class G Corkage Liquor License (O2011-38)**

President Cauley introduced the item stating that he and Trustee Geoga originally thought that restaurants with full service liquor licenses would not be in favor of a BYOB option,

however, he has heard from some that they would like to have the choice. Director of Economic Development Tim Scott has contacted all current licensees in Hinsdale and they are all in favor of the proposed corkage license. The ordinance before the Board tonight will affect this change and undo the ordinance adopted at the last meeting. Trustee LaPlaca moved to adopt an **Ordinance Amending Title 3 (Business and License Regulations), Chapter 3 (Liquor Control), Section 3-3-5 (Local Liquor Licenses) Creating a New Class G Corkage Liquor License**. Trustee Geoga seconded the motion. Chief Bloom clarified the law and existing requirements for the transportation of opened bottles of liquor.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## **ENVIRONMENT AND PUBLIC SERVICES**

### **Presentation by ComEd Representative**

President Cauley stated that he had asked a ComEd representative to address the Board tonight because of the serious weather related outages this summer and to explain why outages occur when the skies are clear. Mr. John O'Halloran, Commonwealth Edison External Affairs Manager, addressed the Board. He thanked Village Manager Cook, Public Services Director George Franco and Chief Bloom for their support during the storm. He gave a power point presentation recapping the weather activity and its effect on equipment and trees. He explained that additional personnel were required in the field to manage the extreme outages and damage to lines and poles and transformers. He was happy to report there were no serious safety incidents. He remarked that everyone has high expectations of their electric service; reliability, fast restoration and accurate information for the customer as quickly as possible. He outlined the various priorities and factors that must be considered with outages as serious as those this summer; high voltage transmission lines, critical facilities such as hospitals, police, and water, how to restore the largest number of customers at a time, isolated problems, transformers, trees in power lines, single customers and backyard individual restorations. He described the problems with the current analog technology and the benefits of the proposed digital technology. Additionally, ComEd is reviewing their current procedures to improve customer service practices. To alleviate customer frustration with erroneous restoration estimates, they will no longer give customers a specific restoration time, but will instead report that an outage may be a 'multiple day' event. There is a bill before the Senate for a 10-year program to implement improvements. Discussion followed regarding the #4802 circuit, where on a blue sky day it

failed serving core Village services and the Central Business District. Mr. O'Halloran explained that lightning damage will cause outages for as much as a week after a storm and weakened branches from a storm will come down days after the storm also contributing to clear sky outages.

Trustee Angelo suggested ComEd take their dividends and reinvest in equipment. Trustee LaPlaca commented that the problem passing the proposed Senate bill would be the significant rate increase resulting in a significant profit increase. Mr. O'Halloran explained that ComEd profits are capped to protect consumers and provide stability. It was noted that 94 trees were lost in these storms. Chief Bloom remarked on ComEd's outage website, which accurately shows specific outages, and suggested this be made available to regular customers not just municipalities. Mr. Cook commented that DuPage Mayors and Managers have provided ComEd with a lot of input since these storms.

## **ZONING AND PUBLIC SAFETY**

### **Ordinance Approving Site Plans and Exterior Appearance Plans for Exterior Façade Improvements at the Property Located at 300 E. Ogden Avenue (Bill Jacobs Land Rover/Range Rover Hinsdale) (O2011-39)**

President Cauley introduced the item explaining it comes from the Plan Commission with a 7-0 recommendation and that notice has been sent to area residents. Trustee Saigh moved to adopt an **Ordinance Approving Site Plans and Exterior Appearance Plans for Exterior Façade Improvements at the Property Located at 300 E. Ogden Avenue (Bill Jacobs Land Rover/Range Rover Hinsdale)**. Trustee LaPlaca seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

### **Ordinance Approving a Special Use Permit for a Planned Development, a Special Use Permit for a Personal Care Facility and Senior Citizen Housing Development and Site Plan and Exterior Appearance Plan for the Property Located at 10 North Washington Street**

President Cauley introduced the item and provided a recap of how this matter has traveled through the process. It began as a special use permit for a planned development with a site plan and exterior appearance plan. It went to Zoning and Public

Safety in February 2011 and the Village Board in March 2011. The Plan Commission heard the case on April 14<sup>th</sup> and May 11<sup>th</sup>. It was sent back to ZPS on May 23<sup>rd</sup> and then the June 21<sup>st</sup> Village Board meeting. After discussion by the Village Board, the matter was sent back to the Plan Commission as senior housing and heard at their July 13<sup>th</sup> meeting. The Plan Commission approved the plan with a vote of 4-3. Plan Commissioner Luke Stiffler raised concerns about the density of the project based on §4-1-112-3(b) of the Village Code. President Cauley referenced the issues raised in a letter he had written and stated that the applicant has addressed his concerns which were market demand for this type of facility, limiting residents to 55 years and over, being a private pay facility with preference to Hinsdale residents, as allowable by law, and to address the strain on the Fire Department by agreeing to pay \$125,000 toward an ambulance. Regarding the density concern, he spoke to each Trustee individually, and the consensus is that the code does limit the ability to grant concessions on density. However, if the applicant would make meaningful density concessions, the Village would consider a text amendment to make appropriate changes to the code. The Hamblets have agreed to remove the row of townhouses on Maple Street and leave that area as green space. They have agreed to reduce the number of beds from 83 to 68 beds, representing a 20% reduction of density. President Cauley believes a majority of the Board is willing to approve this solution if the town homes are removed and subject to a text amendment. The applicant will need to submit a new site plan and exterior appearance plan to address the green space which will entail another trip to Plan Commission. If the Board decides to do this he asked them to vote to approve the application and work in good faith to see the text amendment approved. He acknowledged the code has presented a challenge; a text amendment would be required. He commended the applicant for working with him on a difficult application. They and President Cauley agree this is a good solution.

Mr. Mitch Hamblet, applicant for the Edens project addressed the Board and noted that they are willing to remove ¼ of the footprint of building. He confirmed, at the request of Trustee Geoga, that residents will be 55 years and older, preference given to Hinsdale residents, ambulance improvements and removal of town homes and unit adjustments. Discussion followed regarding clarifications to the ordinance document. Trustee Saigh noted that there are nine waivers granted; Mr. Cook clarified they will remain but the severity will be reduced. Mr. Hamblet said they will use Clarence David Co. to do the redesign of the landscaping area. Trustee LaPlaca moved to **approve an Application for a Special Use Permit for a Planned Development, a Special Use Permit for a Personal Care Facility and Senior Citizen Housing Development, and Site Plan and Exterior Appearance Plan for the Property located at 10 North Washington Street contingent upon approval of a Zoning Code text amendment which authorized increased density for projects of this type and a revised site plan and exterior appearance plan depicting removal of the town homes and a new landscaping plan.** Trustee Saigh seconded the motion.

Trustee Angelo stated that he believes this action preempts a process that has always been followed and the Village is negotiating against itself. Further, this undermines the text amendment procedure and he doesn't think this is appropriate. President Cauley stated that he couldn't disagree more strongly; this is a five-month old project and could not be a more fully vetted project within the process. The Plan Commission asked the Board to address the density issue. The applicant has made a major concession, President Cauley is asking the Board for a good faith gesture. Trustee Angelo remarked that there is no chance for Trustee deliberation on the issue. Trustee LaPlaca commented that a lot of thought has been given to this project and there has been a thoughtful, thorough legal examination of this issue. This is an existing structure that could sit vacant for a lengthy time; the Board should be conscious of this in this economy. She believes there is a benefit to having senior housing in the community. The applicant has made large accommodations, but the density remains a major stumbling block; she has looked at the code and unfortunately, the Board can't always do the feel good thing. However, she believes the code has to evolve with the needs of the community and contemporary society, it must be flexible. It is an unfair burden to calculate dwelling units as beds, there should be a concrete reference point for square footage for dwelling units. She noted the lifestyle housing ordinance, made for buffer areas near the CBD, uses 1,000 sq. feet per dwelling unit. She is satisfied that 724 sq. feet is a good and appropriate use. Trustee Geoga commented that this wasn't about who was going to live in the facility, but about the density, what is really at issue has been mischaracterized. Trustees must meet their responsibilities with respect to the code and balance a series of needs. He acknowledged that this is an unusual, backward approach. He is prepared to support it, but he doesn't think that any trustee can promise how they will vote on a text amendment that has not been heard at public hearing. He can pledge good faith and integrity but he cannot promise an outcome. Trustee Saigh noted density was the key issue for him, but he also feels that the quality of care delivered with a lower density facility will be a good result from this process. He said the removal of the town houses was a major reassurance. Trustee Elder stated that he is behind the project, but the zoning code won't allow it as currently presented and Trustee Angelo's concerns are legitimate. He cannot promise the result, but he is prepared to support the application. Trustee Haarlow stated that the challenging circumstance is that the building is existing. He is surprised by the number of misconceptions in the public for and against the project and he clarified that this is not a retirement community, but rather senior housing for people with disabilities. He noted that Board takes an oath to uphold the law and it is not appropriate to ask an elected official to do otherwise. He agreed that density is the primary issue and that Commissioner Stiffler was correct in his analysis that the Board does not have the ability to waive the density consideration. The only way to do this is by text amendment, but noted that the hearing process cannot be pro forma. This is backward approach, an affirmative vote tonight is not a yes for the text amendment, not a wink and a nod. He commended President Cauley for the work he has done to try to make this project work and for the attention he has given to this matter. He can vote in favor, but is uncomfortable with the process. Trustee Angelo raised his



doubts about various aspects of the market study provided by Mr. Hamblet. Mr. Hamblet explained that the study was done by an independent firm and used the neighborhoods that the Plan Commission and the Board required. He noted that the existing Edens Living is supportive living, the Hinsdale venture would assisted living which is a different licensure.

**Mary Bach of 542 Ravine Road** stated that the key component in the project is to give disabled people a level of independence and allow them to enjoy the Village. An empty Washington Square is of no benefit to the Village and she believes an existing structure should have more leeway within the code.

**Karl Weber of 219 E. First Street** expressed displeasure because the Board approved a matter before it has gone through the process.

**AYES:** Trustees Elder, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** Trustee Angelo

**ABSENT:** None

Motion carried.

President Cauley reiterated that this is a good faith effort, he understands the criticism, but will not forsake the process.

## **REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

### **Economic Development Commission Update**

Mr. John Karstrand, Chairman of the Economic Development Commission, noted that Uniquely Thursdays has enjoyed a very successful year, it is a great event that showcases Hinsdale and invited all to attend the final evening of the season.

## **STAFF REPORTS**

None

## **CITIZENS' PETITIONS**

**Ms. Cheryl Kubilis of 635 S. Thurlow** addressed the Board regarding the dangers of wood smoke and the hardships she and her husband are experiencing due to the wood burning of her neighbor. She presented information and urged the Trustees to educate

themselves regarding the hazards of wood smoke. She read a letter from Chief Bloom regarding his position on her complaints to the Police Department regarding her neighbor's activity. Discussion followed regarding the air pollution ordinance. President Cauley suggested that Ms. Kubilis send him an email next time there is a problem and he will come to her home to observe the situation to better understand. He said he would like see it personally so that he can move it forward to help them.

**Tim Hulton of 107 E. Walnut Street** addressed the Board regarding the problems with ComEd. He has lost power seven times this year between June and July. He wants ComEd to invest money into their infrastructure and asked the Board to apply continued pressure to ComEd to get this taken care of. He believes the transformers don't match the size of houses, the machinery is old.

### TRUSTEE COMMENTS

None.

### ADJOURNMENT

There being no further business before the Village Board of Trustees, President Cauley stated there is need for a closed session and asked for a motion. Trustee Geoga **moved to adjourn the meeting into Closed Session under 5 ILCS 120/2(c)(11) Litigation, filed or pending before a court or administrative tribunal or when an action is probably or imminent and not to reconvene into Open Session.** Trustee Elder seconded the motion.

**AYES:** Trustees Elder, Angelo, Haarlow, Geoga, LaPlaca, Saigh

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 10:09 p.m.

ATTEST: \_\_\_\_\_  
Christine M. Bruton, Village Clerk