

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE SPECIAL MEETING
October 24, 2011**

The special 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 24, 2011 at 7:39 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/Building Commissioner Robb McGinnis, Director of Public Services George Franco, Fire Chief Mike Kelly, Director of Economic Development Tim Scott and Village Clerk Christine Bruton

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Trustee Elder moved **to approve the minutes of the Regular Meeting of October 4, 2011**, Trustee Saigh seconded the motion.

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

NAYS: None

ABSTAIN: Trustee Haarlow

ABSENT: None

Motion carried.

Trustee Saigh moved to **approve the Closed Session Minutes of May 18, 2011, Closed Session Minutes of August 16, 2011 and the Closed Session Minutes of September 20, 2011**. Trustee Haarlow seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

Andy Norman of 13 S. Oak Street addressed the Board as a member of the Oak Street Bridge Replacement Working Group. He noted that the identified options are a new Oak Street Bridge, an underpass at County Line Road and a default option of neither. He asked that the Village solicit the active involvement of BNSF and the hospital to explore these complex options and further to commit to an outcome that solves current traffic issues, enhances safety and improves the residential quality of the neighborhood. Mr. Norman stated that he does not think that the current options have been arrived at through an objective process.

Sharon Johns of 4 S. Oak Street stated she is a concerned resident and neighbor and has been participating in the Oak Street Bridge meetings. She asked the Board to make it their goal that all alternatives are fully examined, and that money is used responsibly and transparently and quality of life remains high. She does not believe this has been a thorough process and that the grant from the Illinois Commerce Commission applicable only to the Oak Street Bridge replacement has skewed the thinking process. She doesn't feel the hospital has been involved as it should, there was no hospital representative at the last meeting.

President Cauley explained that the Oak Street Bridge is 100 years old and that the railroad intended to tear it down. The previous Village Board bought the bridge from the railroad for one dollar. The original idea was to replace the bridge and money was solicited to fund that project. The idea of an underpass is not new, in 1991 the then Village Board took action to foreclose any opportunity for an underpass by dedicating County Line Road between Chicago and the tracks as park land. The Village does not own this property and would have to condemn the property and engage in litigation to un-dedicate the park. That Board wanted to prevent an underpass. Further, it is his understanding that an underpass would cost approximately \$50,000,000, the bridge replacement is \$17,000,000 and we have that money. It was confirmed today that those funds are not transferable to an underpass project. He first became aware of the no bridge alternative over the weekend, but it is his personal opinion that the bridge is beneficial and enhances public safety. This Board does not want a bridge that will invite more traffic. The hospital addition will result in more traffic and a two-way traffic bridge would help alleviate congestion. Concern has been expressed regarding grade changes, however, that would only be eight inches and would only affect one resident who may have to reconfigure his driveway. He restated that the

issue had always and originally been to replace the bridge, but he assured residents that all viable alternatives would be reviewed and he thanked residents for bringing these issues to the attention of the Board. Trustee LaPlaca stated that she appreciates the participation of all residents and wished more people were involved. She and staff have been working with the consultant to address the concerns that were brought up at the last meeting. She invited anyone, but particularly those people whose neighborhoods are affected, to give opinions and feedback regarding the Oak Street Bridge.

VILLAGE PRESIDENT'S REPORT

None.

CONSENT AGENDA

President Cauley read the Consent Agenda as follows:

Items Recommended by Environment & Public Services Committee

- a) Award Bid #1504 Veeck Park Field Restoration to Twin Oaks Landscaping in the amount of \$143,588.10 with \$85,910.00 of the funding for the project to be paid for by AYSO Region 210 and \$14,615.00 to be paid for by Hinsdale Falcon Football (Item removed from consent agenda)
- b) Ordinance Amending Title 4 (Health and Sanitation), Chapter 2 (Air Pollution Control), Section 4-2-8-1 (Permitted Open Fires) of the Village Code of Hinsdale (Omnibus vote) (O2011-43)
- c) Resolution Approving and Accepting A Plat of Consolidation to Consolidate the Properties Commonly Known as 828 and 836 S. Oak Street in the Village of Hinsdale, County of DuPage (Omnibus vote) (R2011-19)
- d) Resolution for the 2011 50/50 Sidewalk Program Contract Change Order Number 1 to Change the Retainage for the Construction Completed To Date from Ten (10) Percent to Five (5) Percent (Omnibus vote) (R2011-20)
- e) Award the Engineering Services for Material Testing Services for the Chestnut Street Improvement Project to Chicago Testing Laboratory, Inc. in an amount not to exceed \$9,862.25 (Omnibus vote)
- f) Resolution for the 2011 Resurfacing Project Construction Contract Change Order Number 3 in the Amount of \$0.00 to Brothers Asphalt Paving, Inc. (Omnibus vote) (R2011-21)
- g) Resolution for the 2011 Resurfacing Project Construction Observation Services Contract Change Order Number 1 in the Amount Not to Exceed \$29,300.00 to HR Green (Omnibus vote) (R2011-22)

- h) Award the Service of Snow Removal on Sidewalks in the Central Business District to Tovar Snow Professionals, Inc., in the amount of \$675.00 per event, not to exceed the budgeted amount of \$9,000.00 without prior approval from the Village Manager (Omnibus vote)

President Cauley pulled Item A from the consent agenda for separate consideration. Trustee Saigh moved to **adopt the Consent agenda, as amended**. Trustee LaPlaca seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Award Bid #1504 Veeck Park Field Restoration to Twin Oaks Landscaping in the amount of \$143,588.10 with \$85,910.00 of the funding for the project to be paid for by AYSO Region 210 and \$14,615.00 to be paid for by Hinsdale Falcon Football

President Cauley reported that the \$85,910.00 from AYSO still required approval from their national office. Therefore, Trustee LaPlaca moved to **Award Bid #1504 Veeck Park Field Restoration to Twin Oaks Landscaping in the amount of \$143,588.10 with \$85,910.00 of the funding for the project to be paid for by AYSO Region 210 and \$14,615.00 to be paid for by Hinsdale Falcon Football, contingent upon the approve of the AYSO National Office for their portion of the contract**. 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

Accounts Payable

Trustee Angelo moved **Approval and Payment of the Accounts Payable for the Period of October 1, 2011 through October 14, 2011 in the aggregate amount of**

\$1,673,111.60 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk. Trustee Elder seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Ordinance Authorizing and Providing for the Issue of \$1,425,000 Taxable General Obligation Bonds (Alternate Revenue Source), Series 2011, of the Village of Hinsdale, DuPage and Cook Counties, Illinois, for the Purpose of Funding the Village's Early Retirement Incentive Liability to the Illinois Municipal Retirement Fund (IMRF), Prescribing the Details of said Bonds and Providing for the Imposition of Taxes to Pay the Same, and for the Collection, Segregation and Application of Certain Tax Receipts for IMRF Purposes to Pay said Bonds

President Cauley introduced the item and stated that the Board had previously voted to approve and but this is the final step in the issuance of the bonds. Finance Director Darrell Langlois confirmed that the new rate on these bonds of 2.177% is a very good and results in a savings of over \$408,000. Trustee Geoga moved to approve an **Ordinance Authorizing and Providing for the Issue of \$1,425,000 Taxable General Obligation Bonds (Alternate Revenue Source), Series 2011, of the Village of Hinsdale, DuPage and Cook Counties, Illinois, for the Purpose of Funding the Village's Early Retirement Incentive Liability to the Illinois Municipal Retirement Fund (IMRF), Prescribing the Details of said Bonds and Providing for the Imposition of Taxes to Pay the Same, and for the Collection, Segregation and Application of Certain Tax Receipts for IMRF Purposes to Pay said Bonds. (O2011-44)** Trustee LaPlaca seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Ordinance Amending Title 7 (Public Ways and Properties), Chapter 4 (Waterworks and Sewerage Systems), Article F (Water Meters), Section 7-4F-4 (Meter Testing, Repair and Replacement) of the Village Code of Hinsdale

Trustee Geoga stated this item is not on the consent agenda because it was discussion only at committee where the amount of the surcharge was discussed with consensus of 30%. President Cauley explained that there are broken water meters in the Village and people are only paying the minimum water bill of \$20.00 in those cases. The surcharge provides a way to collect lost water revenue. Trustee Geoga noted that to the extent a resident feels this is inappropriate, they can come forward and discuss this with staff. Trustee LaPlaca added that a letter has been crafted in understandable terms by way of explanation that will go to residents in this situation. Mr. Langlois commented that a schedule of maintenance will come before the Board next year. Trustee Geoga moved to approve an **Ordinance Amending Title 7 (Public Ways and Properties), Chapter 4 (Waterworks and Sewerage Systems), Article F (Water Meters), Section 7-4F-4 (Meter Testing, Repair and Replacement) of the Village Code of Hinsdale. (O2011-45)** Trustee LaPlaca seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Award a Contract to Provide Decorative Lighting for Holiday Season 2011 to Bright Ideas, Inc. in the Amount of \$18,988.00

President Cauley introduced the item, and Director of Community Development Tim Scott explained that this matter was not brought to committee first because he was waiting for estimates from the contractor. Trustee LaPlaca moved to **Award a Contract to Provide Decorative Lighting for Holiday Season 2011 to Bright Ideas, Inc. in the Amount of \$18,988.00.** Trustee Elder seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

ENVIRONMENT AND PUBLIC SERVICES

Ordinance Proposing the Establishment of Special Service Area #13 (The Woodlands Road Improvement Special Service Area) in the Village of Hinsdale, DuPage and Cook Counties, Illinois, the Issuance of Special Service Area Bonds in an Amount Not to Exceed \$2,100,000 to Pay Costs of Providing Certain Special Services and Setting a Date and Providing Notice for a Related Public Hearing

President Cauley introduced the matter stating that it is part of the Master Infrastructure Plan to do work in the Woodlands; 40% of the cost of the streets to be borne by residents, the Village will pay for all sewer work and 60% of the street replacement. A number of residents have requested to pay their portion in a lump sum; Mr. Langlois is working on that mechanism. A notice will be sent out this week about the public hearing, and that information can be provided at that time. Discussion followed regarding the timing of removing a property from the SSA. Trustee LaPlaca moved to approve an **Ordinance Proposing the Establishment of Special Service Area #13 (The Woodlands Road Improvement Special Service Area) in the Village of Hinsdale, DuPage and Cook Counties, Illinois, the Issuance of Special Service Area Bonds in an Amount Not to Exceed \$2,100,000 to Pay Costs of Providing Certain Special Services and Setting a Date and Providing Notice for a Related Public Hearing. (O2011-46)** Trustee Saigh noted what appeared to be a discrepancy between the language of the ordinance and Exhibit B, the map of the Woodlands. Discussion followed and it was confirmed that the actual cited pin numbers of the properties would overrule the general boundaries of the map.

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

Motion carried.

Municipal Electricity Aggregation Discussion

Trustee LaPlaca began the discussion stating that this matter was discussed at EPS and concerns the concept of pooling together residential electric bills to aggregate them and go into the marketplace to get a better rate than ComEd's for electricity. She also noted that to do so would require a public referendum, but it is worth looking into as there doesn't appear to be a downside. President Cauley clarified that this is not the creation of a Village electrical utility company, this is just an aggregation for procuring electricity. ComEd is still responsible for providing the electricity, and maintaining equipment. ComEd rates are

currently higher than the market rate, the greatest savings is in the short term, but long term savings could still be realized. Village Manager Cook gave a power point presentation, a copy of which is part of this record. Trustee Elder asked what an administrative fee paid to the Village would cover; Mr. Cook explained that fee would pay for staff time and the attorney fees to draw up the ordinances. Trustee Geoga reiterated that the ComEd contracts expire in 2013 and the bulk of the savings would occur before that time, however, Mr. Cook feels that moving forward there will still be savings after the expiration of those contracts. Discussion followed about the contracts and the expenses. Trustee LaPlaca added the most time sensitive issue is approving the referendum and the education period following. She also noted that in addition to a cost savings measure it is an opportunity to direct the energy provider to provide more green energy or something of that nature. She noted that a consultant could be available at the Nov 15th Board meeting. Mr. Cook explained that a broker would handle the education process, too, and that there is no cost to the Village for this service. Some discussion followed regarding people who already have another energy plan, but these are usually one year plans and it would be July or August at the earliest for a Village wide plan. It was also noted that individuals have the opportunity to opt out of the aggregate. There was Board consensus to move forward with this issue.

ZONING AND PUBLIC SAFETY

Ordinance Amending Article IV (Multiple Family Residential Districts), Section 4-112 (Special Development and Use Regulations) of the Hinsdale Zoning Code as it

**Relates to Density and Multi-Building Access
in the R-5 and R-6 Multi-Family Residential Districts
(Plan Commission Case No. A-22-2011)**

and

**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
(Plan Commission Case No. A-05-2011)**

President Cauley began discussion by stating that the Eden project has been the subject of discussion at meetings since February. At the August 16th Board meeting, the applicant and the Board reached a compromise regarding the issue of density that would involve the removal of the townhomes along Maple Street resulting in a 40% increase in open space on the property. In return, the Village agreed to proceed in good faith to approve a text amendment that would change the zoning code to accommodate this project that would still be denser than code permits even after removal of the townhomes. At that meeting, the Board approved a special use permit for a planned development, personal care and senior citizen housing facility subject to the applicant returning to the Plan Commission for a text

amendment relating to density, as well as approval for a site plan and exterior appearance review. On September 14th, the Plan Commission voted unanimously (8-0) to approve both matters and before the Board this evening are the ordinances to enact the text amendment and the special use, planned development and site plan and exterior appearance plan. The text amendment exempts facilities that were constructed prior to 1980 from the requirement of 2,000 square feet per dwelling unit and also exempts structures connected by an atrium from the code's requirements that apply to 'single structures'. The ordinance approving the special use provides that the townhomes along Maple Street will be removed, the residents of the facility will be 55 years of age or older, the facility will not accept residents with mental illnesses as defined under State law, and that Hinsdale residents and their immediate families will be given preference on the waiting list unless such preference violates the law. Further, although not part of the ordinance, the Hamblets have agreed to fund half the cost of a new ambulance.

One of the concerns that came up at the last ZPS meeting was whether this special use ordinance would 'run with the land'. That is, if the Hamblets were to sell the property would the new owner be able to take advantage of this special use ordinance, should it be approved tonight. President Cauley explained that a number of Trustees believe that it should not be transferrable with the land, therefore there is a provision in this ordinance that for a period of five years, the special use permit would not transfer with the land if the Hamblets were to sell the property. The Hamblets have advised the Board that they have no plans to sell the property and have no objection in principle to the five year provision, however, they plan to use bank financing to improve the facility and have legitimate concerns that if the special use does not run with the land for any period of time, they could have difficulty obtaining bank financing. Additionally, they have some concern about how that provision could impact their estates should they die. Trustee Geoga drafted a provision to address these concerns; the Hamblets have reviewed and approved the language. Trustee Geoga moved to approve **Ordinance Amending Article IV (Multiple Family Residential Districts), Section 4-112 (Special Development and Use Regulations) of the Hinsdale Zoning Code as it Relates to Density and Multi-Building Access in the R-5 and R-6 Multi-Family Residential Districts (Plan Commission Case No. A-22-2011) (O2011-47) and 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. (Plan Commission Case No. A-05-2011) (2011-48)** Trustee LaPlaca seconded the motion.

Trustee Geoga asked Mr. Mitch Hamblet to confirm key elements of financing. Mr. Hamblet stated that the total project is \$5.8 million, about \$1.4 million is related to the acquisition of the land and building, about \$4.4 million will go to improvements and investment in the project. They will guarantee the loan of approximately \$4.4 million. Trustee Angelo thanked President Cauley for his tireless efforts on this project, but expressed his ongoing concerns regarding the integrity of the Hamblets and the Eden project. President Cauley recommended adding additional language to the ordinance document regarding the definition of 'prohibited transfer'. Mr. Hamblet agreed to the addition. Trustee Saigh

thanked the Plan Commission for their diligent work on this lengthy application procedure and commended the Hamblets for their communication and commitment and for raising an important issue of care for elderly and disabled individuals in the community. He noted that the community walked away from the old Washington Square, but hopes that good communication moving forward might prevent this from happening again. Trustee LaPlaca added that the ultimate result is proof that this is a process that works and the process is important. This will give us a product that was better than the original presentation providing a better result for the community.

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

NAYS: Trustee Angelo

ABSTAIN: None

ABSENT: None

Motion carried.

President Cauley said he echoed the expressed comments of Trustees Saigh and LaPlaca; there was civil discussion resulting in a resolution. He thanked the Board noting that every board member had input, every provision was a collaborative process, he also commented that even though Trustee Angelo dissented, he was still a sounding board.

Ordinance Amending Article III (Single-family Residential Districts), Section 3-110 (Bulk, Space and Yard Requirements of the Hinsdale Zoning Code)

President Cauley introduced the item stating that it relates to the residential guidelines of design review, that the proposed incentive for compliance to recommended design guidelines was to abandon or suspend FAR. The Plan Commission voted unanimously that this was not a viable way to do this. This ordinance is an affirmation of the Plan Commission recommendation. Trustee LaPlaca noted that the Design Review Commission put in a lot of valuable work, but this wasn't the right approach. President Cauley said a new pamphlet containing these guidelines is available and that Mr. McGinnis will send a copy to all developers and it will be on the Village website. Trustee Haarlow remarked that he felt abandoning FAR was ill-advised, but there could be other inducements worth revisiting.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports

STAFF REPORTS

No reports.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

Trustee LaPlaca reminded people to attend the Oak Street Bridge meeting on Wednesday, October 26th.

ADJOURNMENT

There being no further business before the Village Board of Trustees, President Cauley asked for a motion to adjourn. Trustee Saigh **moved to adjourn the special meeting of October 24, 2011** and not to reconvene. Trustee LaPlaca seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Meeting adjourned at 9:08 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk