

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
August 15, 2017**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, August 15, 2017 at 7:30 p.m., roll call was taken.

Present: President Tom Cauley and Trustees Christopher Elder, Michael Ripani, Luke Stifflear, Gerald J. Hughes (*left the meeting at 9:04 p.m.*), Matt Posthuma and Neale Byrnes

Absent: None

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Finance Director Darrell Langlois, Assistant Village Manager/Director of Public Safety Brad Bloom, Police Chief Brian King, Fire Chief John Giannelli, Director of Community Development/Building Commissioner Robb McGinnis, Director of Public Services George Peluso, Administration Manager Emily Wagner, Management Analyst Jean Bueche and Village Clerk Christine Bruton

PLEDGE OF ALLEGIANCE

President Cauley and Ms. Margaret King led those in attendance in the Pledge of Allegiance

APPROVAL OF MINUTES

Following suggested changes to the draft minutes, Trustee Hughes moved to **approve the minutes of the Regular Meeting of July 11, 2017, as amended.** Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Following suggested changes to the draft minutes, Trustee Elder moved to **approve the minutes of the Special Meeting of August 3, 2017, as amended.** Trustee Byrnes seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

None.

VILLAGE PRESIDENT'S REPORT

President Cauley reported that downtown paving will begin this evening and be done this week. Following the completion of the Central Business District (CBD), work will then move to outlying areas. So far the project is on time, and staff hopes the work will be done by September. He also congratulated the 12-year old Hinsdale Little League team on a very successful season, and announced they will be recognized at the next Village Board meeting.

SWEARING IN OF NEW POLICE CHIEF

President Cauley stated Hinsdale's new Police Chief will be sworn in this evening, but wanted to recognize out-going Chief Kevin Simpson, who is moving on to be student safety supervisor at Hinsdale Central. He gave 28 years of outstanding service to the Village of Hinsdale, and was an outstanding chief of police.

Police Chief Brian King served in Wilmette for 30 years, where he started as a patrol officer and rose through the ranks. He was chief in Wilmette for the past eight years. President Cauley outlined his many achievements in his field, and added that he has no doubt Chief King is a perfect fit for Hinsdale. He administered the oath of office.

Chief King addressed the Board stating he is grateful and proud to be the new Police Chief in Hinsdale. He has met with members of the department over the last two weeks and has observed their pride in the organization and their commitment to the community. He thanked his Deputy Chiefs Eric Bernholdt and Tom Lillie and former Chief Kevin Simpson for making this transition go smoothly.

PUBLIC HEARING

122 W. Walnut Street, certain improvements in a required front yard

President Cauley introduced the item and explained that the Village Board rarely hears these types of matters, but because this case involves the Americans with Disabilities Act (ADA), Village counsel has recommended this course of action. The Zoning Board of Appeals typically hears these matters, but they have code statues that must be followed and would not consider considerations relative to the ADA. President Cauley opened the public hearing and the court reporter swore in the applicants.

Mr. John Lagedrost, property owner at 122 W. Walnut Street, addressed the Board stating he and his wife are requesting approval to replace their patio. He explained they purchased this home in 2009 because it is well-suited for their daughter, Joanna, who has limited use of her limbs. They are removing and replacing the existing patio, which they thought was a side yard, but is a zoning front yard. The purpose is an exit ramp from the back door to meet Joanna's needs, the addition of a fire feature, and a pathway for her to exit. It will be fully landscaped. He believes this will result in a significant enhancement compared to the current patio.

Mr. James Laslo, the contractor for the homeowner, was present to answer technical questions, and added they were not aware this was considered a front yard, but requested approval to complete the project.

Mr. McGinnis explained that paver patios were formerly considered landscaping, but no longer, and the grandfathered patios can be maintained, but not removed and replaced. He added that this request, if granted, would be a right for this owner only. If any additional degree of encroachment was requested, it would come back to the Village Board. Mr. Laslo explained the proposed patio would be constructed of clay pavers with flagstone edges.

Mr. Michael Moran, 130 N. Grant, addressed the Board stating he is the next door neighbor to this project and the only neighbor affected. He thinks this is an enhancement, and urged the Board to approve the request.

Ms. Susanne Cooper, 123 N. Grant, addressed the Board and spoke in support of the project.

Trustee Elder moved **to close the Public Hearing for 122 W. Walnut Street**. Trustee Stifflear seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

President Cauley reiterated that approval of this request is not subject to Zoning Board standards for approval; ADA allows for reasonable accommodations. Further, there is no precedent set by approval of this matter; cases like this would be heard on a case by case basis. He polled the Trustees, no objections were raised.

Trustee Byrnes moved to **direct staff to draft an Ordinance authorizing a 22.2' encroachment into a required front yard and 3.5' encroachment into a required interior side yard for the construction of a patio, BBQ grill, fire feature, and seat wall at 122 W. Walnut under the 'reasonable accommodations' provision of the Fair Housing Act and the Americans with Disabilities Act**. Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Hughes, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

FIRST READINGS - INTRODUCTION

Administration & Community Affairs (Chair Hughes)

a) Accept and Place on File the Post-Issuance Tax Compliance Report

Trustee Hughes introduced this item stating it is an annual housekeeping item necessary to keep the Village's tax exempt status.

The Board agreed to move this item to the Consent agenda of their next meeting.

- b) Approve paid time off in the amount of 37.5 hours per fiscal year for permanent part-time employees who annually work at least 21 hours per week and have been employed with the Village of Hinsdale for at least one year**

Trustee Hughes introduced this item which is a recommendation from staff in response to recent hiring and recruiting issues. Staff believes this benefit would make it easier to attract quality personnel. He feels this is a modest step the Village can take, with a modest hard cost. He noted this vacation time cannot be banked or rolled over; and staff will cover any absence without additional cost as they currently do. President Cauley noted it is expensive to have full-time employees because of pension and insurance costs.

The Board agreed to move this item to the Consent agenda of their next meeting.

Environment & Public Services (Chair Byrnes)

- c) Approve a Resolution approving the 2017 Accelerated Resurfacing construction contract Change Order #1, to reduce the contract value by an amount not to exceed \$19,033 to ALamp Concrete Contractors**

Trustee Byrnes introduced the item which is a change order that results in a reduction of the money due to the contractor. Although there were unanticipated costs, such as the sink hole on Stough, the overall repair on the project was less than anticipated, resulting in an aggregate savings of \$19,000.

The Board agreed to move this item to the Consent agenda of their next meeting.

Zoning & Public Safety (Chair Stifflear)

- d) Approve an Ordinance Approving a Lot Size Variation for Property Located at 435 Woodside Avenue, Hinsdale, Illinois – Matt Bousquette/Kris & Tracy Parker – Case Number V-04-17**

President Cauley introduced the item and noted that Board has either seen the Zoning Board of Appeals meeting or read the transcript, and hopes people will keep this in mind when making their remarks.

Mr. Kris Parker, 444 E. Fourth Street, addressed the Board, stating it has been a dream of his to have a home like this, and asked the Board to help him save the house. He explained they are asking that a 50,000' square foot lot be divided into two lots; one at 30,000' square feet and one at 20,000' square feet. He noted this would result in the second largest lot on Woodside, and both lots would be larger than 62% of the lots in the R1 district. Additionally, he noted the square footage of the homes in the area, and that the Zook house is considerably smaller than the others. He also believes the argument of precedence is meaningless, because this matter is relative to the Zook home only and its historic significance. Mr. Parker confirmed they will pursue landmark status to ensure the safety of this property for generations to come. He believes the 4,100' square foot Zook home needs to be on a smaller lot for mortgage and tax considerations. He hopes the Board will accept the unanimous recommendation of the Zoning Board of Appeals.

Mr. Matt Bousquette, property owner, addressed the Board and asked that they approve the ZBA recommendation; he met all the approving criteria before that Board including unique physical condition, not self-created, denial of a substantial right, etc. He provided background information stating in 2008 he purchased the property at 445 Woodside. The house on this property had already been demolished; he has not built on the lot. He noted that since that time all but one of the homes on Woodside has been either knocked down or

expanded to the maximum lot coverage. He illustrated the other homes on the block in terms of size of lot and square footage of home. The Zook home would be consistent with the other homes on block. Mr. Bousquette noted he is the neighbor on two sides of the proposed property, and is invested in the outcome of this matter. He is skeptical that he could sell the lot in its entirety and someone would redevelop the home as is. He described the real estate market for homes in the \$2-\$3 million range; noting that older houses take longer to sell and have sold below list price and land value. He stated he has had offers of \$3 million to buy the land and scrape it.

Trustee Byrnes referenced the existing foundation issues and wondered if the home is moveable. Mr. Dennis Parsons, architect, responded stating it is movable, although cannot be cut in pieces because it is solid masonry, however, the movers are confident it can be moved successfully.

Mr. Kevin Holmes, 425 Woodside, addressed the Board stating he is representing the other neighbors on Woodside who are all opposed to the subdividing of this lot. He believes there is value in adhering to the zoning code. He personally did not expect to have a neighbor so close to them when they bought their property. He stated the applicant fails the no other remedy criteria, because he did not try to sell the house and lot as is. He believes the owner could landmark and renovate the existing house.

President Cauley pointed out the Board cannot force the homeowner to do anything besides the two options offered by Mr. Bousquette. Mr. Holmes argued approval would set precedent, it will add to the density, and large trees will be removed. President Cauley asked if a large maxed out house on the lot would be worse. Mr. Holmes said it would, however, the neighbors are willing to make a bona fide offer on the property starting at \$2.2 million.

Mr. Tom Reedy, 424 Woodside, addressed the Board stating he did not originally get involved in this matter, but described his previous experience with preserving a lot in Hinsdale. However, he is concerned because Mr. Bousquette has not marketed the home and property as is. He asked the Board to keep in mind the 'size' of the variance being granted and that nine of the neighbors don't support the variance

Mr. Andrew Brickman, 439 E. Sixth, believes there would be a ripple effect of splitting lots, but President Cauley disagreed stating this is only a consideration because of the Zook house, and therefore has no precedential value. Mr. Brickman continued stating Zook houses with modernization have survived, but just moving it might not contribute to its long term survival. He noted that landmark status can be changed. In his opinion, in order for the house to have staying power, it has to be able to be added on to. President Cauley remarked that the house can be positioned on the lot to allow kitchen expansion, and to allow for some modernization. Mr. Brickman feels the house is a pawn in this case.

President Cauley asked Mr. Bousquette if he would entertain an offer to purchase the property. Discussion followed regarding the financial aspects of the problem. President Cauley pressed the money offer. Mr. Holmes said he and his neighbors could come up with an offer within two weeks. Mr. Bousquette said he would look at the offer.

Trustee Hughes left the meeting at 9:04 p.m.

President Cauley agrees this is a big variance, and agrees that the lot sizes are special in the R1 district. Further, the Zook home makes this issue special, and the only reason this

matter is before the Board. As such, the Board has developed certain conditions that would need to be met if the variance is granted: 1) a 12 month conditional approval based on the successful relocation of the building, inspection and code compliance, 2) the home be situated on the south lot in such a manner as to allow permitted additions on two sides of the property, 3) 3,000' square feet conveyed to the smaller lot, 4) a 100 year restrictive covenant forbidding the demolition of the home, and 5) application for landmark status six months after relocation.

Trustee Stifflear wondered if there was a deed restriction on the property would the neighbors reconsider their position, as that would be a guarantee there would not be a 'McMansion' built on the property. He also pointed out if there is a bona fide offer, the no other remedy criteria isn't met. Mr. Parker added they have no problem with a 100 year deed restriction.

The Board agreed to move this forward for a second reading at their next meeting.

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Stifflear moved **Approval and payment of the accounts payable for the period of July 18, 2017, through August 15, 2017, in the aggregate amount of \$3,014,516.31 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, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

The following items were approved by omnibus vote:

- b) **Approve an Ordinance Authorizing Transfers of Appropriations within Departments and Agencies of the Village for the Fiscal Year May 1, 2016 to April 30, 2017** (*First Reading – July, 11, 2017*)

Environment & Public Services (Chair Byrnes)

- c) **Award Bid #1632 for various Roof Replacements and Improvements at various Village facilities to Olsson Roofing in an amount not to exceed \$318,416.36** (*First Reading – July 11, 2017*)
- d) **Award year one of Bid #1635 for Street Sweeping Services to Lake Shore Recycling Systems in the year one amount of \$36,500, with approval to utilize the fully budgeted amount of \$47,660**
- e) **Award the replacement of Forestry Chipper Truck Unit #16 to Utility One Source in the amount not to exceed \$87,591**

- f) **Waive the competitive bidding requirement and utilize the State of Illinois Joint Purchasing Agreement with Rush Truck Centers of Illinois to approve the purchase of a 2018 35,000 G.V.W.R. dump truck, snow plow and salt spreader with pre-wetting system in an amount not to exceed \$159,052**
- g) **Award the bid the 50/50 Sidewalk Program, Section 17-00000-01-GM, to Strada Construction in the amount not to exceed \$73,836**

Trustee Stifflear moved to **approve the Consent Agenda, as presented.** Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA - ADOPTION

Environment & Public Services (Chair Byrnes)

- a) **Approval of the Village's commitment to reimburse School District 181 for the Village's cost share associated with construction of the new shared parking deck at Hinsdale Middle School located at 100 S. Garfield Street, Hinsdale (*First Reading – July 11, 2017*); and Approve a Change Order for the cost of the tie back system**

President Cauley noted a memo from Village Manager Gargano regarding costs related to the deck, specifically a tie-back system and expenses to the Village in the amount of \$1,049,723.25. The school district approved the foundation work previously, and the tie back at the most recent meeting. Mr. Bloom confirmed these numbers are in accordance with the estimate from last week.

Trustee Byrnes moved **Approval of the Village's commitment to reimburse School District 181 for the Village's cost share associated with construction of the new shared parking deck at Hinsdale Middle School located at 100 S. Garfield Street, Hinsdale; and to Approve a Change Order for the cost of the tie back system.** Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

Zoning & Public Safety (Chair Stifflear)

- b) **Approve an Ordinance Approving an Amendment to a Special Use Permit to Change Hours of Operation at a Physical Fitness Facility in the B-3 General Business Zoning District at 230 E. Ogden Avenue (*First Reading – July 11, 2017*)**

Trustee Stifflear introduced the item, which is a request from Shred450 to change their start time from 6:00 a.m. to 5:00 a.m. This was unanimously approved by the Plan Commission. The ordinance before the Board this evening was changed to reflect the Board recommendation that if any complaints are received, this matter can be revisited, and can be amended.

Trustee Stifflear moved to **Approve an Ordinance Approving an Amendment to a Special Use Permit to Change Hours of Operation at a Physical Fitness Facility in the B-3 General Business Zoning District at 230 E. Ogden Avenue.** Trustee Elder seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

- c) **Approve an Ordinance Approving a Site Plan and Exterior Appearance Plan for a New Animal Hospital at 722-724 N. York Road, Hinsdale, Illinois – Hinsdale Animal Hospital – Case Number A-40-2016** (*First Reading – July 11, 2017*)

Trustee Stifflear introduced the item remarking on the many meetings over the past year where this item was reviewed; the Plan Commission, the Zoning Board of Appeals and the Village Board. The site plan and exterior appearance plan were unanimously approved at the June Plan Commission meeting. He added there were no questions regarding the lighting.

Trustee Stifflear moved to **Approve an Ordinance Approving a Site Plan and Exterior Appearance Plan for a New Animal Hospital at 722-724 N. York Road, Hinsdale, Illinois – Hinsdale Animal Hospital – Case Number A-40-2016.** Trustee Byrnes seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

DISCUSSION ITEMS

- a) **Downtown Construction update**

President Cauley noted this should be completed this week.

- b) **Update on proposed I-294 Tollway expansion**

President Cauley explained this matter is currently in a holding pattern, no new information has been forthcoming.

DEPARTMENT AND STAFF REPORTS

- a) Treasurer's Report
- b) Police
- c) Fire
- d) Parks & Recreation
- e) Economic Development
- f) Community Development
- g) Engineering
- h) Public Services

The report(s) listed above were provided to the Board. There were no additional questions regarding the contents of the department and staff reports.

Village Manager Gargano reported regarding a Special Service Area (SSA) for the difference between the cost of the larger deck and the smaller deck, to be assessed to the merchants in the business district as they will most likely be the beneficiaries of the larger lot. Ms. Gargano described the approving mechanism for an SSA. The first step is to adopt an ordinance proposing the SSA. Within 60 days following the approval, public notice must be provided and a public hearing held, then there is a 60 day waiting period for objections. Due to the 120 days necessary to meet these requirements, this cannot be included in this year's tax levy filed in December. Before coming to the Board with an approving ordinance, staff will identify the taxing area as narrowly as possible and determine who will be impacted. Assistant Village Manager/Finance Director Darrell Langlois explained that an objection raised must be greater than 51% of registered voters and property taxpayers in that area. It was noted that a typical retail lease allows for pass through taxes.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

OTHER BUSINESS

None.

NEW BUSINESS

None.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn. Trustee Elder moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of August 15, 2017**. Trustee Stifflear seconded the motion.

AYES: Trustees Elder, Ripani, Stifflear, Posthuma and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Hughes

Motion carried.

Meeting adjourned at 9:29 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk