

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
November 15, 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, November 15, 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 Manager Dave Cook, Assistant Village Manager/Finance Director Darrell Langlois, Director of Public Services George Franco, Director of Economic Development Tim Scott and Village Clerk Christine Bruton

Also Present: Reporters from Patch.com and The Hinsdalean

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Trustee Saigh provided clarifications to the minutes. Trustee Elder moved **to approve the minutes of the Regular Meeting of November 1, 2011, as amended.** Trustee Angelo seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

None.

CONSENT AGENDA

President Cauley read the Consent Agenda as follows:

Items Recommended by Administration & Community Affairs Committee

- a) Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes (Omnibus vote) (R2011-23)
- b) Agreement with the Hinsdale Historical Society for Lease of Property for Use of an Historic Building
- c) Award Bid #1505 to April Building Services in the amount of \$21,494 for KLM tuck pointing repairs

Items Recommended by Environment & Public Services Committee

- d) Resolution for Change Order Number 2 in the Amount of \$8,753.97 to Martam Construction, Inc. for the Chestnut Street Sewer Separation Project Construction Contract (Omnibus vote) (R2011-24)
- e) Ordinance Amending Title 4 (Health and Sanitation), Chapter 5 (Dutch Elm Disease), Section 4-5-1 (Definition: Nuisance Declared), Section 4-5-2 (Enforcing Officer), Section 4-5-3 (Abatement of Nuisance), Section 4-5-4 (Filing of Lien) of the Village Code of Hinsdale (Omnibus vote) (O2011-50)

Items Recommended by Zoning & Public Safety Committee

- f) Ordinance Amending Article VI (Office Districts), Section 6-106 (Special Uses) of the Village of Hinsdale Zoning code, to Allow Yoga Instruction in the O-2 Limited Office District as Special Uses (Omnibus vote) (O2011-51)
- g) Ordinance Approving a Special Use Permit for a Yoga Studio at the Property Located at 34 South Vine Street (Omnibus vote) (O2011-52)
- h) Ordinance Amending Article V (Business Districts), Section 5-105 (Special Uses) of the Village of Hinsdale Zoning Code, to allow a Musical Tutoring Services above the first floor in the B-2 Central Business District as a Special Use (Item considered separately) (O2011-53)
- i) Ordinance Approving a Special Use Permit for a Musical Tutoring Service at the Property Located at 116-118 S. Washington Street (Omnibus vote) (O2011-54)
- j) Ordinance Amending Article V (Business Districts), Section 5-102 (Permitted Uses) of the Hinsdale Zoning Code to Allow Financial Institutions in Tenant Spaces that do not Abut a Street, on the First Floor in the B-2 Central Business District (Omnibus vote) (O2011-55)

Trustee Angelo asked that Item H be pulled from the Consent Agenda and considered separately. Trustee Saigh moved to **approve the Consent Agenda, as amended**. Trustee Elder seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Ordinance Amending Article V (Business Districts), Section 5-105 (Special Uses) of the Village of Hinsdale Zoning code, to allow a Musical Tutoring Services above the first floor in the B-2 Central Business District as a Special Use (O2011-53)

Trustee Angelo noted that at the EPS meeting he was comforted because this was a stand-alone building and he suggested that language be incorporated in the ordinance.

Trustee Angelo moved to approve an **Ordinance Amending Article V (Business Districts), Section 5-105 (Special Uses) of the Village of Hinsdale Zoning code, to allow a Musical Tutoring Services above the first floor in the B-2 Central Business District as a Special Use, as amended.** Trustee Elder seconded the motion.

Discussion followed regarding the appropriate language to include in the ordinance, where upon it was concluded that the concept is agreed upon by the Board, the actual language will be drafted and provided later.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

VILLAGE PRESIDENT'S REPORT

No report.

**PUBLIC HEARING
TO CONSIDER THE ESTABLISHMENT OF WOODLANDS ROAD
IMPROVEMENTS SPECIAL SERVICE AREA NUMBER THIRTEEN, THE
ISSUANCE OF BONDS TO FUND THE SPECIAL SERVICES AND THE LEVY OF
TAXES FOR THE PROPOSED SPECIAL SERVICE AREA**

President Cauley explained that this item is a public hearing to consider the establishment of Special Service Area No. 13 to fund roadway improvements in the area of the Village known as the Woodlands. Special Service Area Bonds in an amount not exceeding \$2.1 million and payable from ad valorem property taxes are proposed to be

issued to pay for these municipal services. President Cauley opened the public hearing and asked for comments from the public.

Ms. Donna Cook of 804 Cleveland, addressed the Board stating that the method of accessing the value of the homes in the Woodlands is problematic because Cook County assessments are out of line. Finance Director Darrell Langlois explained that he has talked to the County and most homes in this area have not been assessed since 2008. The bonds will have a ten year life; the unfairness only comes if a property is more over assessed its neighbors. He also noted that bond money will not be collected for two more years.

Mr. Cash MacDiarmid of 980 Taft Road, commented that the Woodlands streets without curbs and gutters are appealing to buyers and the people who live there. He noted that the average home sale price in the Woodlands last year was \$1.5 million, the average in the rest of Hinsdale was \$680,000. He believes the streets are fine and doesn't believe curbs and gutters should be installed or the streets repaved.

Ms. Gail Brandis of 635 Harding Road, commented that these bonds are based on assessed value of the home, but she has heard of successful programs based on the amount of linear footage to the roadway; she believes this might not be as controversial. She also commented that the patching work done in the Woodlands has been hit or miss, because there are extreme potholes in front of her house. Further, if the bonds are at a 7.5% interest rate, she would love to have her anguish mitigated by investing in these bonds.

Mr. Ryan Brandis of 635 Harding Road, stated that the roads are so terrible it makes Hinsdale look pathetic. He urged the Board to spend the money and invest in the roads.

Mr. Bob Brandis of 635 Harding, complained about the road in front of his house stating it has never been fixed in 35 years. He asked why they haven't gotten their portion of the motor fuel tax dollars and furthermore, the 7.5% interest rate on the proposed bonds is fraud; there is something wrong here. Mr. Langlois explained the bond notice set a maximum interest rate. Additionally, they are not general obligation bonds secured by the Woodlands parcel and therefore there is more default risk if the individual property owner doesn't pay. He anticipates the interest rate will be in the 5%-6% range; the Village will get the best rate they can six to nine months from now. He also noted that arrangements can be made for residents to prepay. Village Manager Cook commented there is a small window of opportunity, from the public hearing to December 13th, for residents to elect to prepay. President Cauley instructed staff to send a letter informing residents of this option.

Sheila MacDiarmid of 980 Taft Road, stated that she likes the rustic roads, but doesn't like the potholes. She doesn't want Taft to be a speedway and there should be

balance to preserve the appeal of the rustic roads. President Cauley clarified that this is not a curb and gutter project like the rest of the Village.

Mr. Bill Seith of 917 Cleveland, President of the Woodlands/Highlands Association, thanked the Board for all the work they have done. He stated the roads are in bad shape; the point of the design is to firm up the edges so they don't get potholes and address the drainage issues. He believes this project is very much overdue.

Mrs. Cook asked if the assessed value changes when the tax changes. Mr. Langlois confirmed that this is the case and added that the County assesses and regulates the tax levied.

Mr. Gary Avril of 705 McKinley Lane asked if the design has been finalized. Mr. Cook said no, there will be a meeting in February or March to determine the final design.

Mr. MacDiarmid commented that this sounds like a done deal. However, Mr. Cook pointed out that if 51% of registered property owners/ registered voters sign a petition filed with the Village Clerk within 60 days, the SSA cannot move forward.

There being no further public comment, Trustee Elder moved to close the **Public Hearing To Consider The Establishment Of Woodlands Road Improvements Special Service Area Number Thirteen, The Issuance Of Bonds To Fund The Special Services And The Levy Of Taxes For The Proposed Special Service Area**. Trustee Angelo seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

President Cauley asked staff to send two letters to residents, one regarding the prepayment option and another when the meeting will be held to review the design of the project.

ADMINISTRATION AND COMMUNITY AFFAIRS

Accounts Payable

Trustee Elder moved **Approval and Payment of the Accounts Payable for the Period of October 29, 2011 through November 10, 2011 in the aggregate amount of \$861,478.06 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.

ENVIRONMENT AND PUBLIC SERVICES

Municipal Electrical Aggregation

Trustee LaPlaca opened discussion noting that the Board had discussed this at their last meeting wherein everyone had expressed interest in the program. She introduced Mr. David Hoover from NIMEC, the consulting group that would guide the Board through the process. Mr. Hoover addressed the Board explaining that ComEd is still the delivery agent, but the aggregate can affect lower prices for residents and small commercial entities for their ComEd bills. In essence, the Board is a purchasing agent for their billing. NIMEC is working with the 15 communities who are currently using this aggregation and are experiencing a 20 – 30 % savings on their bills. He stated that individual residents can opt out of the aggregation program. President Cauley noted that most of the savings would occur within the next 18 months and asked if there a way to extend that time period. Mr. Hoover confirmed, explaining that current long-term contracts will roll off and the savings will be reduced, however, NIMEC has been able to beat the ComEd rate every year.

Mr. Hoover explained that if the referendum goes forward there is no consulting expense to the Village, although there would be staff time and some modest attorney expenses. He said some suppliers sweeten their offer with a civic contribution, but that is a choice that can be made when all bids are presented. When the rates are presented, NIMEC asks for a one, two or three year rate, which could put the Village in a negative position, but half the suppliers offer protection for this situation. If a multi-year deal agreement is entered into and the ComEd rate drops below, the supplier can drop the rate and match it, or the municipality can return to ComEd. This insures that participants will never pay more than the ComEd rate.

NIMEC will undertake and pay for community education. They will work with staff to determine the best methods; articles for newsletters, water bill inserts, interviews on closed circuit television and community meetings. They underwrite the cost of mailing. There were 23 such referendums on the ballots last April, four failed. Trustee Geoga commented that there will likely be confusion with the referendum to form our own electric company that failed a few years ago.

Discussion followed regarding individuals who have already gone with an alternative supplier or those who might choose to opt out of a Village aggregation. Discussion followed

which indicated that there would be no greater threat or problem to residents in the event of a natural disaster than if the power was being supplied by ComEd.

ZONING AND PUBLIC SAFETY

No report.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

None.

STAFF REPORTS

None.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Village Board of Trustees, President Cauley asked for a motion to adjourn into closed session. Trustee Saigh **moved to adjourn the meeting of November 15, 2011 into Closed Session under: 5 ILCS 120/2(c)(1) appointment, employment compensation, discipline, performance or dismissal of specific employees or legal counsel, 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 8:58 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk