

**VILLAGE OF HINSDALE
MINUTES OF THE MEETING
VILLAGE BOARD OF TRUSTEES
Tuesday, May 21, 2013**

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, May 7, 2013 at 7:30 p.m.

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

Absent: None

Also Present: Village Manager Dave Cook, Assistant Village Manager/Director of Finance Darrell Langlois, Director of Community Development Robb McGinnis, Director of Public Services George Franco, Director of Economic Development Tim Scott, Village Engineer Dan Deeter, Police Chief Brad Bloom, Fire Chief Richard Ronovsky, Deputy Chief Tim McElroy and Village Clerk Christine Bruton

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

There being no corrections to the draft minutes, Trustee Elder moved **to approve the minutes of the special meeting of May 5, 2013**. Trustee Saigh seconded the motion.

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

NAYS: None

ABSTAIN: Trustee Hughes

ABSENT: None

Motion carried.

FIRE DEPARTMENT AWARD PRESENTATION

President Cauley reported the circumstances of a house fire in the 900 block of south Bruner Street on February 28, 2013. An elderly woman was inside the burning house. Captain Dave DeWolf began his role as incident commander; Lt. Bill Claybrook

assumed interior operations and coordinated the efforts of Firefighter/Paramedics Steve Tullis, Nick McDonough, Don Newberry, Jim Nichols and Dan Majewski. The team was able to locate and rescue the unconscious woman. She was taken by ambulance to the Hinsdale Hospital where she was stabilized and released a few weeks later. As a result of their actions taken at this fire, there are two awards to be presented by the Village Board and the Fire Department. An Individual Citation is presented to those individuals who performed with exceptional professional skill along with personal risk. This award was presented to Firefighter/Paramedics Newberry and Majewski by Fire Chief Ronovsky and President Cauley. A Unit Citation was presented to Captain DeWolf, Lt. Claybrook and Firefighter/Paramedics Tullis, Nichols and McDonough for their coordinated actions in supporting the search crew with fire suppression and scene support and direction. President Cauley said he is always proud and impressed with the commendable bravery and team work of the Hinsdale Fire Department.

CITIZENS' PETITIONS

None.

VILLAGE PRESIDENT'S REPORT

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

President Cauley reported that as of May 1st, the terms of several commissioners expire and those individuals must be reappointed. He asked for a motion to reappoint Ms. Jan Grisemer to a 3-year term through April 30, 2016 on the Economic Development Commission, Ms. Stacey Harloe-Mowery and Mr. John Bohnen to 3-year terms through April 30, 2016 on the Historic Preservation Commission and Mr. Matt Posthuma to a 3-year term through April 30, 2016 on the Finance Commission. Trustee Saigh moved **to approve the list of appointments as recommended by President Cauley**. Trustee Elder seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CONSENT AGENDA

President Cauley read the Consent Agenda as follows:

Items Recommended by Zoning & Public Safety Committee

- a) Referral to Plan Commission for Review and Consideration of a Text Amendment to Section 11-103 (Plan Commission), as it Relates to Term Limits (Omnibus vote)
- b) Grant a Waiver of Fees in an Amount not to Exceed \$5,450.00 for the Applications Required for Zion Lutheran Church (*Item taken separately*)
- c) Approve Payment in the Amount of \$13,000.00 to the DuPage Metropolitan Enforcement Group (Omnibus vote)
- d) Ordinance Approving Site Plans and Exterior Appearance Plans for Modifications to a Commercial Building at 30 S. Lincoln Street (Omnibus vote) (O2013-09)
- e) Ordinance Approving a Major Adjustment to a Planned Development for Two New Monument Signs at 420 E. Ogden (Omnibus vote) (O2013-10)

Items Recommended by Environment & Public Services Committee

- f) Award the Engineering Services for the Design of the FY2013-14 Water Main Project to James J. Benes & Associates, Inc. in an Amount Not to Exceed \$16,492.00 (Omnibus vote)
- g) Resolution for the Woodlands Phase 1 Project Contract Change Order Number 3 in the Amount of \$8,652.25 Reduction to Pirtano Construction Company, Inc. (Omnibus vote) (R2013-09)
- h) Approve the purchase of a 2013 Ford F250 with plow and a 2013 Ford F150 from Bob Ridding's Ford Inc., under State contract in the amount of \$54,550.00 (Omnibus vote)

Trustee LaPlaca pointed out the Plan Commission term limits item does not include language that specifically calls out that there would be no term limit and recommended that the Plan Commission be aware of this matter of clarity. President Cauley pulled Item B for separate discussion. Trustee Saigh moved to **approve the Consent Agenda, as amended.** Trustee Hughes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Item 8B: Grant a Waiver of Fees in an Amount not to Exceed \$5,450.00 for the Applications Required for Zion Lutheran Church

President Cauley introduced the fee waiver request remarking that the practice the Board has discussed about waiving fees is to do so when it is a benefit to the Village, but at last night's ZPS meeting they talked about direct costs. He stated that he doesn't recall waiving court reporter or attorney type fees. He doesn't have a problem with general fees, but is reluctant to have the Village assume those kinds of direct costs. Board discussion followed. Consensus was reached that these requests would be taken one at a time and that the benefit to the Village and quid pro quo instances would be considered, but the Village would not pay the direct costs. Trustee Saigh moved to **Grant a Waiver of Fees in an Amount not to Exceed \$5,450.00 for the Applications Required for Zion Lutheran Church, except any direct costs incurred by the applicant.** Trustee Elder seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Trustee Haarlow moved **Approval and Payment of the Accounts Payable for the Period of May 4, 2013 through May 17, 2013 in the aggregate amount of \$910,733.16 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, Hughes, LaPlaca, Saigh

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Approval of Modifications to Full-Service Restaurant Liquor Licensing

President Cauley reviewed the matter for the Board explaining that liquor service currently stops at 10:30 p.m. on weekdays and midnight on weekends. He stated that

at the ACA Committee discussion, there was less concern regarding extension of weekday hours than weekends. Mr. Doug Fuller addressed the Board with concerns about holidays. President Cauley suggested a case by case, special event option. The Trustees are worried about a lively night time bar scene. Board discussion followed. It was pointed out that consumption has to stop one half hour after closing; it was suggested that the restaurant stop serving at the designated time, but they could remain open beyond the half hour. Police Chief Bloom explained the enforcement issues for the Police Department if the doors are locked. Mr. Fuller remarked that if the place can stay open that's better than nothing. President Cauley suggested starting this incrementally and revisiting it in the future when the Board has more information. President Cauley polled the Board their preferences. Trustee Hughes moved to **approve modifications to full service restaurant liquor licensing to allow liquor service until 11:30 p.m. Sunday through Thursday and 12:30 a.m. Friday and Saturday with closing to occur one half hour after service ends.** Trustee Angelo seconded the motion.

AYES: Trustees Angelo, Hughes, LaPlaca, Saigh

NAYS: Trustees Elder and Haarlow

ABSTAIN: None

ABSENT: None

Motion carried.

Village Attorney Lance Malina stated he would prepare the final ordinance for Board approval.

ENVIRONMENT AND PUBLIC SERVICES

Resolution for the Woodlands Phase 1 Construction Observation Contract Change Order Number 2 in the Amount of \$14,000.00 to HR Green, Inc. (R2013-10)

Trustee LaPlaca explained there was a question at EPS regarding the budgeted number/cost. Village Engineer Dan Deeter explained the \$14,000.00 is a Change Order for the additional cost of construction observation. They had to spend more time in the field because of the significance of the rain gardens; more manpower was needed to get the job done. Mr. Scott Creech from HR Green, Inc., approached the podium and stated that the schedule and the pace of the subcontracted landscaper did not match the contract estimate. Trustee Haarlow noted the concern he expressed at EPS that this is an issue between the contractor and subcontractor and as a matter of principal; he does not believe the Village should pay for this. Mr. Creech acknowledged the point, but noted they do not schedule all the subcontractor work and they won't include these people on Phase II. Mr. Deeter pointed out that

Mr. Creech has to estimate somebody else's work and that he represents the Village. He anticipates people to work at a certain pace, but doesn't have the control over this the contractor has. If he puts more focus on something getting done right, it's an estimate that will always be off. Trustee LaPlaca noted this is an important feature of the project and she would like it done right. Trustee LaPlaca moved to approve a **Resolution for the Woodlands Phase 1 Construction Observation Contract Change Order Number 2 in the Amount of \$14,000.00 to HR Green, Inc.** Trustee Saigh seconded the motion.

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

NAYS: Trustee Haarlow

ABSTAIN: None

ABSENT: None

Motion carried.

ZONING AND PUBLIC SAFETY

Ordinance Approving Certain Variations for Construction of a New Two-story Development at 26-32 First Street; Garfield Crossing, Case Number V-01-13 (O2013-11) and; an

Ordinance Approving Site Plans and Exterior Appearance Plans for the Construction of a New Two-story Development at 26-32 First Street; Garfield Crossing, Subject to the Approval of Stated Exceptions and Variations (O2013-12)

President Cauley introduced the Garfield Crossing items by stating that these have been through several different Boards. The ZBA made unanimous recommendations and approvals related to landscape buffers, setbacks, a loading space toward public right of way and a parking lot with no interior trees. There had been a request for two wall signs, but the applicant has withdrawn the request for signs. At the Plan Commission, in addition to site plan and exterior review, they dealt with height, architectural merit and parking deficiency, all of which were approved. President Cauley said one other issue that came up from residents was their idea for a proposed alleyway. However, the applicant is concerned about granting such an easement to the Village because it could reduce the value of the property. The proposed solution is a license agreement that would give the Village 18 months to get rights to the alleyway property west of the subject property. This is acceptable to the applicant, and enforceable for the village. This would give us 18 months to negotiate in good faith, leaves other options open and allows us to approve a good project. He stated the vote tonight is on the variances approved by the ZBA and the site plan and exterior review

approved by the Plan Commission. Trustee LaPlaca suggested a modification to the terms of the lease agreement, but President Cauley explained the agreement is a framework that does not interfere with the project moving forward. Village Attorney Lance Malina advised that the two ordinances before the Board should be approved conditioned on subsequent approval of this license agreement. Trustee Hughes stated his concern regarding the effective date for the 18 months and how that will be determined. Discussion of dates followed. Trustee Hughes feels the date is important relative to understanding traffic flows. Attorney for the applicant, Mr. Peter Coules pointed out this has nothing to do with the project, but they only wanted 12 months. President Cauley suggested 18 months from the occupancy permit. Mr. Coules explained his clients' position and is not amenable to that start date. President Cauley asked Mr. Coules if his client is willing to sacrifice this project for this time frame. Trustee Saigh believes this is overly complicated and a clear encumbrance on the applicant. This project has been looked at diligently by the Plan Commission, the Zoning Board of Appeals, the ZPS Committee and the Village Board. He can see the reasonableness of the license agreement, but this was not approved at the EPS Committee. Further, he cannot see the merit of extending a 19th century alley system nor is it appropriate to bring this alley agreement forward at the eleventh hour. Trustee LaPlaca concurs. Discussion followed regarding jeopardizing the project for an alley which is expensive and deemed unanimously inappropriate at EPS. Trustee Hughes commented that protecting the assets of the Village, the character of the Village and traffic and safety are on the short list of concerns for this Board. We don't know what will happen with traffic in the CBD as a result of this project. This is a short term option for a license and allows the Village an opportunity to address uncertainties. Mr. Coules weighed in and he and the Board agreed to 12 months from occupancy.

Trustee Hughes moved to approve **Ordinance Approving Certain Variations for Construction of a New Two-story Development at 26-32 First Street; Garfield Crossing, Case Number V-01-13 and; an Ordinance Approving Site Plans and Exterior Appearance Plans for the Construction of a New Two-story Development at 26-32 First Street; Garfield Crossing, Subject to the Approval of the Stated Exceptions and Variations and subject to the approval a license agreement with an effective date of the certificate of occupancy and twelve months following as a precondition.** Trustee Elder seconded the motion.

Trustee Saigh expressed his deep concern regarding the license agreement precondition. Trustee Haarlow believes that as a development of this size we should leave our options open for possible traffic impact. The developer has been accommodating, this is the best project to come along and he is willing to go twelve months. The Board is not committing staff time or budget resources at this time. Trustee LaPlaca respectfully thanked the applicant for coming to an agreement, but doesn't think the alley will come to pass. Mr.

Coules noted that his client has agreed to all the Board's conditions, but wants it on the record that this item will go forward on the Consent Agenda. Trustee Angelo remarked that this protects everyone's interests.

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

Motion carried.

President Cauley congratulated Mr. Naccarato for being a model developer, for working with staff and the Board through the process; he went above and beyond. He thanked Mr. Coules, too, and said he appreciates their help to make this project the best we can do for our Village.

Approve the Extension of the Originally Approved Permit for a Temporary Use to Continue Operating Certain Events at 302 S. Grant Street through *(insert date)*

This item regards the extension of the temporary use granted to the Hinsdale Historical Society to continue operations at Immanuel Hall. Additional time is needed to allow a representative from the Plan Commission, the Village Board, Historical Society and local residents to meet to conduct public meetings to resolve their issues. Discussion followed regarding the appropriate time to extend the permit to allow enough time to process the matter through the system. Trustee LaPlaca moved to **Approve the Extension of the Originally Approved Permit for a Temporary Use to Continue Operating Certain Events at 302 S. Grant Street through October 8, 2013.** Trustee Elder seconded the motion.

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

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

STAFF REPORTS

No reports.

CITIZENS' PETITIONS

None.

TRUSTEE COMMENTS

Trustee LaPlaca stated there will be a traffic meeting on May 30th at 7:30 p.m. with Oak Street residents. She and Chief Bloom will be present. There will be a meeting on June 6th at 7:30 p.m. to discuss flooding issues with the Warren and Madison Street residents. President Cauley and Village Engineer Dan Deeter will be present.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn into Closed Session. Trustee Haarlow **moved to adjourn the meeting of the Hinsdale Board of Trustees of May 21, 2013 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 Hughes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Meeting adjourned at 9:05 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk