

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
June 16, 2020**

The regularly scheduled meeting of the Hinsdale Village Board of Trustees (conducted electronically) was called to order by Village President Tom Cauley in Memorial Hall of the Memorial Building on Tuesday, June 16, 2020 at 7:30 p.m., roll call was taken.

Present: President Tom Cauley

Participating by telephone: Trustees Matthew Posthuma, Scott Banke, Luke Stifflear, Gerald J. Hughes, Laurel Haarlow (arr. 7:36 p.m.), and Neale Byrnes

Absent: None

Participating by telephone: Village Manager Kathleen A. Gargano, Village Attorney Michael Marrs, Assistant Village Manager/Director of Public Safety Brad Bloom, Fire Chief John Giannelli, Police Chief Brian King, Finance Director Darrell Langlois, Director of Community Development/Building Commissioner Robb McGinnis, Director of Public Services George Peluso, Village Engineer Dan Deeter, Village Planner Chan Yu, Superintendent of Parks & Recreation Heather Bereckis, Recreation Coordinator Sammy Hanzel and Village Clerk Christine Bruton

VILLAGE PRESIDENT - INTRODUCTION

“Good evening. On May 29, 2020, Governor Pritzker entered the latest in a string of emergency declarations related to the COVID-19 pandemic. In light of that declaration, and consistent with various Executive Orders entered by the Governor, and the recent amendments made to the Open Meetings Act in Public Act 101-640, I find that it is not practical or prudent to conduct an in-person meeting, and this Open Regular Meeting of the President and Board of Trustees of the Village of Hinsdale is therefore being conducted remotely.

Public Act 101-640 allows public bodies to meet remotely during public health disasters, so long as the public is able to monitor the meeting, and certain other conditions are met.

Public comment is permitted during the Citizen’s Petitions portions of the meeting. When we get to those portions of the meeting, I will ask persons wishing to make public comment to identify themselves.”

APPROVAL OF MINUTES

a) **Regular Meeting of May 19, 2020**

There being no changes to the draft minutes, Trustee Posthuma moved to **approve the draft minutes of the regular meeting of May 19, 2020, as presented.** Trustee Byrnes seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

b) **Special Meeting of May 28, 2020**

Following changes to the draft minutes, Trustee Hughes moved to **approve the draft minutes of the special meeting of May 28, 2020, as amended.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

VILLAGE PRESIDENT'S REPORT

President Cauley reported the Farmers Market has been in operation since June 1, outdoor dining is up and running and has been well received. The Shop Local campaign has started, and he encouraged all to shop local and support area merchants. The northeast region is moving to Phase 4 on June 26, the Village website will be updated with what will be re-opened and with what limitations. The Board will discuss re-opening the community pool tonight.

He reported current COVID numbers that suggest stabilization. In-person public meetings are still not recommended, and there are some important issues before the Plan Commission, including the teardown moratorium and the redevelopment of the IBLP property. Some people were disappointed they could not speak at the last meeting, but the matter has been continued to June 24. The Village has been using Zoom to conduct meetings. This platform will be upgraded to allow more people on screen, and the speaker will appear on the full screen.

He thanked Representative Deanne Mazzochi for her efforts regarding Village capital improvement programs, and thanked her and Senator Glowiak for their work on behalf of the Hinsdale.

President Cauley urged residents to push back on bad State government practices, noting the unbalanced budget and increased spending, including raises for State employees. He cited years of fiscal mismanagement in Illinois, and that now State officials want to use COVID funds as a bailout. He believes the biggest threat to our community is State government.

APPOINTMENTS TO BOARDS & COMMISSIONS

President Cauley introduced appointments to the Zoning Board of Appeals for Mr. Gary Moberly and Mr. Keith Giltner through 2025, and the appointment of Ms. Leslie Lee to complete the unexpired term of Ms. Katherine Engel through 2024. He said he appreciates the work of these individuals.

Trustee Hughes moved to **approve the appointments as recommended by the Village President.** Trustee Stifflear seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

Mr. Junguo Bian of 811 N. Oak Street addressed the Board on behalf of himself and his neighbor **Mr. Ed Varan** regarding the Land Rover landscaping. He referenced his email to the Board. He still does not feel that the bushes Land Rover has installed meet the plan requirements nor are they being maintained. This should have been finished by May 31.

Village Manager Kathleen Gargano said Assistant Village Manager Brad Bloom has reached out to all parties to determine substitute plantings that are acceptable to Mr. Bian.

President Cauley said all the Village can do is enforce the plan approved by the Village Board. He asked staff to work to resolve this as quickly as possible.

Mr. Matt Bousquette of 448 Fourth Street addressed the Board stating he is concerned because the Plan Commission is reviewing the moratorium, but Historic Preservation Commission (HPC) Chairman Bohnen's plan is already before the Board, they rewrote their own rules. Concurrently, hearings are being held to determine time constraints. The HPC is an advisory commission, but with new processes, it is time consuming and more expensive, and only reflects what the HPC wants, not community members. There is no consideration of homeowner property rights.

The HPC has stopped having meetings to stop residents from moving forward, hiding behind COVID. Other Boards and Commissions have met. He believes they have rewritten Article 14 to further their cause, and are in no hurry to clear their case queue. They have a history of time stalling to punish applicants that do not agree with them. He referenced the video from the HPC meeting and described remarks made by the Chairman that result in a de facto moratorium, opening the Village to legal issues as they operate outside the spirit of the law. The message is do not buy property in the Robbins District; the cost to community members is significant noting the largest decline of home values is in the Robbins district.

Ms. Julie Laux addressed the Board stating she agrees with Mr. Bousquette's comments. She believes the proposed Article 14 ordinance is a shameful power grab, and further the way this is being handled is an embarrassment. The Plan Commission is in the process of conducting hearings on a moratorium to study preservation, but here is an ordinance already on the Board agenda. She also respectfully requests that Chairman John Bohnen retract calling her a criminal.

President Cauley explained that the draft Title 14-1-3 is not from the Historic Preservation Commission, and that he and the Village Attorney authored this to start the conversation on how we can change this. This is for input from Trustees; there will still be a first read, second read, a Plan Commission hearing, and two more readings by the Village Board. He is not trying to push this through; it is up for discussion only at this time. He has not spoken with the HPC regarding the edits. He does not believe it is inconsistent to think about this at the same as the moratorium. This draft has a provision to address slowness, if the HPC has not heard a case within three months, it is deemed approved and moves to the Village Board.

Ms. Laux said it is shameful that we are letting Village residents think they have a voice, when they do not. President Cauley disagrees; he thinks this is an appropriate way to keep the matter moving forward. There will be at least six more times for people to voice their views.

The Village Clerk confirmed no other written communication has been received.

FIRST READINGS – INTRODUCTION

Administration & Community Affairs (Chair Hughes)

- a) **Approve a Quote and Master Agreement from Avolin, LLC for software license fees, hosting and maintenance on the Village's financial accounting applications in the amount of \$89,470**

Trustee Hughes introduced the item stating the Village is in the middle of implementing a new software system, and when complete, we will no longer retain Avolin. Finance Director Darrell Langlois has worked to keep the terms of the renewal acceptable, and will have final numbers when this item is presented for a second reading.

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

Zoning & Public Safety (Chair Stifflear)

- b) **Approve an Ordinance approving an Exterior Appearance and Site Plan for Expansion and Redevelopment of an Existing Building – 908 N. Elm Street**

Trustee Stifflear introduced the item that is exterior appearance approval for an entryway expansion. Two months ago, the Board approved the ZBA recommendation for a 1% increase in floor area ratio (FAR). This building is a medical office building, and the applicant wants to enclose the entrance of the existing office building. He referenced photos in the packet illustrating the existing and the proposed changes. The Plan Commission unanimously approved the request. Regarding the automatic doors, Mr. Ryan DeBari, architect for the project, added there is always the potential for interior draft, but this new vestibule will take the brunt. Additionally, in light of COVID-19, it is an added benefit that persons entering the building will not have to touch a door.

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

- c) **Approve an Ordinance approving an Exterior Appearance and Site Plan to redevelop and improve an existing office building at 32 Blaine Street**

Trustee Stifflear introduced the item for the property located in the buffer zone between the central business district (CBD) and residential properties. He reminded the Board this is the former 'Lady Justice' property. The new owner is adding stairwells and dormers to meet the fire code. They are replacing porch materials, improving parking and landscaping. There is no change to setbacks, FAR or building and lot coverage. This was unanimously recommended by the Plan Commission in May. The Zoning Board of Appeals granted a variance regarding parking. Code requires 11 parking spaces, but there will only be 7, including one ADA compliant spot. Trustee Stifflear noted this is 80-100 year old home, and an exemplary project for the community in the buffer zone. It is residential in appearance, and the use is a minimally intensive law office.

Mr. Paul Garver, owner and applicant, addressed the Board on behalf of himself and Mr. Tom Hawbecker. He said the color scheme will change from what was initially submitted, per the direction of the Plan Commission, and described the change. Village Planner Chan Yu said the new color is consistent with what was originally presented, and the exact changes will be included in the packet with the second reading. Mr. Garver reported that recent changes to parking on Blaine has made it convenient for downtown parking, but the new deck will help with parking.

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

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Banke moved **Approval and payment of the accounts payable for the period of May 20, 2020 to June 16, 2020, in the aggregate amount of \$1,378,291.00 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Hughes seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

The following items were approved by omnibus vote:

Environment & Public Services (Chair Byrnes)

- b) **Approve an ordinance authorizing the vacation of a certain portion of an unimproved alley situated east of and adjoining 629 South Monroe Street in the Village of Hinsdale, DuPage and Cook Counties, Illinois**

Zoning & Public Safety (Chair Stifflear)

- c) **Approve and Authorize Execution by the Village Manager of a Relocatable Parking Easement Agreement with Metra for commuter parking on certain Village owned property (First Reading – May 19, 2020)**

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

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA – ADOPTION

No items presented for second reading.

DISCUSSION ITEMS

a) **Historic Preservation draft ordinance**

President Cauley introduced the item stating he had talked with staff and worked with Village Attorney Michael Marrs because he thought it was important to start the revision process. The purpose of the moratorium was to provide breathing room to draft an ordinance; he felt it was worth proposing something to get the ball rolling. Having listened to the moratorium public comment at the Plan Commission hearing, it is clear people feel strongly. Many want to keep the historic homes in the Robbins Historic District, but property rights are also a concern; a balance between preservation and property rights is important. Incentives for preservation include zoning approvals waived, expedited applications, and rebating real estate taxes to landmarked homeowners at about 7%. This would not raise anybody's taxes, but it would incrementally affect revenues and possibly services. We could give exemptions from floor area ratio (FAR) requirements, and other setback requirements; however, the caveat would be complaints of adjacent neighbors. There has been concern about the Historic Preservation Commission not getting to their items, this document states any application to demolish would have to be dealt with in 90 days, otherwise it is deemed approved and goes to the Village Board. The one tool included in this draft to slow down the sale of historic homes, is the authority of the Board to delay demolition for up to 6 months to encourage homeowners to find alternatives to not destroying the home, and help the applicant to market the property. The Board would do this on a case-by-case basis. The downside from the Board's perspective would be they would be more involved in the historic preservation process. He said everything is advisory from the Board, except the 6-month delay. This is much like the process with the Furey home, although that home was ultimately demolished.

Mr. Marrs clarified the Board advisory decisions only apply to historic district homes; it does not apply to landmarked homes.

Trustee Stifflear said he has watched the Plan Commission (PC) hearing, and believes resident's opinions are equally weighted between preservation and property rights. As a Village in our zoning code, we already have property rights restrictions in place. Preservation is an extension of the zoning code. One public comment made at the PC hearing was from a lawyer who said the Village could not impose preservation restrictions because it is eminent domain without compensation to the homeowner. Mr. Marrs responded stating there is a specific article in the Illinois Municipal Code dealing with preservation that delegates to home rule and non-home rule communities the ability to enact restrictions, when properties are deemed important. The Village does have the ability to impose a moratorium as a temporary measure when there is public benefit. To the extent the Board thinks a moratorium is necessary because of concerns raised over the number of homes recently demolished and over the years, it can be done to further the preservation mission. President Cauley added a permanent moratorium was never envisioned by the Board. However, if public opinion is equally divided on both sides, in his mind a tie should go to property rights people. It is easy to dictate what your neighbors should do; people who are fearful they cannot sell their homes should be respected.

Trustee Byrnes commented regarding landmarking incentives, Village Planner Yu said there about 20 locally landmarked homes. He asked if the real estate rebate applied to everyone. President Cauley clarified any significant or contributing home in the Robbins District would get these benefits, even if not landmarked. Trustee Byrnes said that at some point we have to establish what homes would qualify. Discussion followed regarding clarifying language with respect to which homes are included. Trustee Stifflear agrees that this ordinance should be

brought forward, the Village is not hiding anything from residents. He stated he has not completed a thorough review of the document, but cautioned the Board about relaxing rear yard setback, concerned about neighbor input. President Cauley agreed if a neighbor complains it would have to be looked at. Trustee Byrnes confirmed that as far as what is built after a teardown is all advisory. Mr. Marrs said the draft as it is written it is landmarked specific, he will change the language to contributing and significant based on this discussion. Regarding neighbor objections, if they do, the regular zoning process for relief would be followed.

Trustee Banke said residents have reached out to him about homes allowed to fall into disrepair. He believes there is a distinction between hardship and deliberate neglect to create a situation to achieve a desired personal outcome. It is imperative this be part of discussion. President Cauley commented it would be hard to put that in an ordinance. The ordinance should be clear and straightforward; we do not want to make the ordinance over burdensome. Mr. Marrs suggested this could be a code enforcement issue, and the Village can look at enhanced penalties.

Trustee Hughes thanked President Cauley and Mr. Marrs for this draft, as something specific to work with is more productive. He said incentives are the best idea, but wondered if this is enough to make a difference. He does not want to create a complex process that does not achieve the goal. President Cauley said other than those incentives already included he is out of ideas. Mr. Marrs said he would look at similarly situated communities to see what they do. Trustee Haarlow suggested looking at communities outside of Illinois. Trustee Posthuma asked for clarification regarding property tax rebates, do the benefits stay with the property in perpetuity, even if it is sold to a new owner, until torn down. Discussion followed regarding marketing of historic homes. Ms. Gargano pointed out Hinsdale has no real estate transfer tax. Mr. Marrs said if someone has tried to market the property with no success, the Board could elect not to invoke the 180 days. Discussion followed regarding the sale of a historic home.

Ms. Julie Laux stated again that residents have been asked to weigh in on a moratorium, when they should be asked about the contents of the ordinance. She stated again that the HPC has a limitless amount of time to review these cases. Further, she does not know of any homes that have been privately sold for teardown without having been listed. Regarding the issuance of a Certificate of Appropriateness based on a rendering, she believes holding someone to a rendering is a problem, because people want to express themselves. To have to go back for a change of door or window color is unrealistic.

Mr. Bousquette stated his house was on the market for 1,000 days and no one wanted to buy it. He believes people are distraught about small houses on big lots, and FAR and setback relief might work, but on small lots this won't work. However, he agrees tax incentives might be effective.

b) Vehicle sticker due date – June 30

Finance Director Langlois is recommending postponement of vehicle sticker due date to June 30, noting sales are still lagging. At some point, a firm deadline must be set and late fees imposed. The Board had no objections to the June 30 extension.

c) Status of pool operations for Summer 2020

President Cauley introduced the item stating \$64,000 is a sunk cost, irrespective of what we do. He offered the expenses under certain scenarios, but feels it makes sense to open the pool, although weather is unknown. Opening won't cost more than not opening, and there

is a community benefit to opening. Further, given fewer people are traveling there may be greater usage. Trustee Hughes recommends opening. This is a community benefit; we work hard to minimize the subsidy. Open this community asset and help the Village return to normalcy. The Board agreed. Trustee Byrnes asked about safety guidelines, noting that chlorine kills germs, but they are still airborne. Ms. Gargano responded that Superintendent of Parks & Recreation Heather Bereckis is working on guidelines according to CDC guidelines, with additional safety steps as recommended by other pool organizations.

d) Parking deck update

Mr. Bloom said we are working through the punch list, and closing in on being done. Ms. Gargano added the loop has not been closed on administering parking, and it will continue to be refined. Trustee Byrnes noted parking is free for now.

e) Tollway update

Mr. Bloom had nothing new to report at this time.

DEPARTMENT AND STAFF REPORTS

- a) Fire
- b) Engineering

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

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 Hughes moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of June 16, 2020**. Trustee Byrnes seconded the motion.

AYES: Trustees Posthuma, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Meeting adjourned at 9:32 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk