

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING
May 7, 2024**

The regular 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, May 7, 2024 at 7:00 p.m. Roll call was taken.

Present: President Cauley, Trustees Matthew Posthuma, Alexis Braden, Luke Stifflear, Michelle Fisher, Neale Byrnes and Scott Banke

Absent: None

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager Andrianna Peterson, Chief Finance Officer Carrie Dittman, Human Resources Director Tracy McLaughlin, Police Chief Brian King, Interim Fire Chief Jon Carlson, Director of Community Development Robb McGinnis, Public Services Director George Peluso, Parks and Recreation Superintendent Mike Hayes, Village Planner Bethany Salmon, Village Engineer Matthew Lew, Management Analyst Alex Snyder and Village Clerk Emily Tompkins

Present electronically: Finance Director Alison Brothen

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

a) **Regular meeting of April 16, 2024**

Trustee Posthuma moved to **approve the minutes of the regular meeting of April 16, 2024, as amended and placed on the dais.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes and Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

VILLAGE PRESIDENT'S REPORT

President Cauley reported that the Village has maintained a low retail vacancy rate for the past several years. Data provided by Choose DuPage indicates the Village's current retail vacancy rate is at 1.7%. This percentage represents space that is currently being marketed as available. The Village's retail vacancy rate is among the lowest in DuPage County – by comparison, DuPage County's overall retail vacancy rate is currently at 5.7%. The Village's current retail vacancy rate is largely attributed to the longstanding success of businesses in

and surrounding the Central Business District. President Cauley stated the office space vacancy rate for the Village is also low compared to DuPage's rate.

a) Appointments to Boards and Commissions

President Cauley explained how important and valuable it is to the Village Board to have residents volunteer for boards and commissions as the Board frequently relies on their input.

President Cauley introduced the following individuals for re-appointment and appointment as noted:

Economic Development Commission

Ms. Angela Lavelli - reappointed to a 3-year term through April 30, 2027

Ms. Natalie Scheid - reappointed to a 3-year term through April 30, 2027

Firefighters' Pension Fund Board

Ms. Carrie Dittman – appointed to a 3-year term through April 30, 2027

Historic Preservation Commission

Mr. Frank Gonzalez- reappointed to a 3-year term through April 30, 2027

Mr. Chris Elder- reappointed to a 3-year term through April 30, 2027

Parks & Recreation Commission

Mr. Chris Boruff – appointed as Chair through term expiration of April 30, 2025

Mr. Pat Rooney – reappointed to a 3-year term through April 30, 2027

Mr. CJ Bak – appointed to a 3-year term through April 30, 2027

Plan Commission

Mr. Steve Cashman - reappointed to a 3-year term through April 30, 2027

Ms. Anna Fiascone- reappointed to a 3-year term through April 30, 2027

Ms. Cynthia Curry - reappointed to a 3-year term through April 30, 2027

Police Pension Board

Mr. Donald Klink – reappointed to a 2-year term through April 30, 2026

Zoning Board of Appeals

Mr. Keith Giltner – appointed as Chair through term expiration of April 25, 2025

Mr. John Podliska – reappointed as Vice-Chair through April 30, 2029

Ms. Leslie Lee - reappointed to a 5-year term through April 30, 2029

Trustee Stifflear moved to **Approve the appointments to Village Boards and Commissions, as recommended by the Village President.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes, Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried

Trustee Stifflear commented that over the years the quality of recommendations generated by the boards and commissions, along with President Cauley's leadership, has made the Board's job easier.

PROCLAMATION

a) Proclamation – Building Safety Month

President Cauley read a proclamation proclaiming May Building Safety month.

b) Wellness House

President Cauley stated Kate Friedholm, Director of Development for the Wellness House, was present. He read a proclamation honoring the Wellness House and recognizing the Wellness House's 5k walk that was held on May 5, 2024.

APPOINTMENT OF INTERIM FIRE CHIEF

President Cauley explained that Interim Fire Chief Jon Carlson would be retiring from the Village May 30, 2024, and the Village has identified a well-qualified individual, Jeff Pindelski, to serve as Interim Fire Chief. He stated Mr. Pindelski is highly experienced, with a 34-year Fire Department career. He holds various degrees and certifications related to fire safety administration, managerial leadership and fire science. President Cauley detailed Mr. Pindelski's experience, with his most recent role at Argonne National Laboratory and prior to that, the Village of Downers Grove.

APPROVAL OF CONTRACT BETWEEN THE INTERIM FIRE CHIEF AND THE VILLAGE OF HINSDALE

Trustee Stifflear moved to **Approve the appointment of Jeffrey Pindelski to the position of Interim Fire Chief, effective May 10, 2024, as well as, Approve the contract between the Interim Fire Chief and the Village of Hinsdale.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes, Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried

FIRST READINGS – INTRODUCTION

Administration & Community Affairs (Chair Posthuma)

a) Approve the Intergovernmental Agreement (IGA) by and between the Board of Education of Hinsdale Township High School District No. 86 and the Village of Hinsdale for Reciprocal Facility Use.

Trustee Posthuma introduced the item. He explained the Village has a long-standing agreement with School District 86 for reciprocal facility use. The Village currently collaborates with the School District to use Katherine Legge Memorial Park for cross country and the Burns Field tennis courts during the spring and fall for their athletic tennis program. In return, the School District assists the Village by providing pool space for lifeguard training and gym space for athletic programs. He stated both parties provide access to and use of each other's spaces at no charge, but each party pays the fees required of other renters for ancillary equipment and personnel costs to the extent activities require such services. The IGA also provides that School District 86 pay 50% of the cost of renovating the Burns Field tennis courts this summer. The total cost for the renovations is approximately \$180,000 and District 86 is expected to contribute approximately \$90,000. Trustee Posthuma explained the IGA has a 5-year term subject to renewal by mutual written agreement and was approved by School District 86 at their Board meeting on April 25, 2024.

The Village Board agreed to move the item forward to the consent agenda of their next meeting.

b) Award the construction contract for renovations to the Burns Field tennis courts and basketball court to J&R 1st in Asphalt, Inc. in the amount not to exceed \$228,165.50.

Trustee Posthuma introduced the item. He explained this item is to award the contract for the renovation of the Burns Field tennis courts and basketball court to J&R 1st in Asphalt, Inc. in the amount not to exceed \$228,165.50. He stated the average life span of a court surface is approximately 7-10 years. The last time that the tennis courts were renovated was in 2015 and the last time that the basketball courts were renovated was in 2010.

Trustee Posthuma explained the Village's park consultant, Design Perspectives Inc., was contracted to bid the project and J&R 1st Asphalt, Inc. was the lowest bid. Their bid included replacing the fencing along the street by the basketball court. The Parks and Recreation Commission reviewed the proposed project and did not express any concerns.

Trustee Posthuma stated the 2024 Budget includes \$210,000 for the renovations and with the School District 86 contribution, the proposed project falls well below the budgeted amount.

The Village Board agreed to move the item forward to the consent agenda of their next meeting.

Environment & Public Services (Chair Byrnes)

c) Approve the preliminary engineering local agency agreements with Christopher B. Burke Engineering, Ltd., (CBBEL) for the Fox Lane (Road D) Bridge over Salt Creek Study in the total amount not to exceed \$143,987.

Trustee Byrnes introduced the item. He explained that a biennial bridge inspection on the Fox Lane (Road D) bridge, which is the bridge over Salt Creek in the Graue Mill area, showed bridge deterioration, and the Village was awarded federal bridge rehabilitation funding for the preliminary engineering study phase (study). The study will evaluate rehabilitation, reconstruction, and replacement options to determine a preferred potential structural treatment. The Village has no obligation to proceed beyond the study phase, and the study results will provide the Village a path forward in terms of potential next steps.

Trustee Byrnes explained the cost of the study is \$144,000 with the federal funding covering 80%, and the Village contributing 20%. This would make the Village's portion \$200 below budget.

President Cauley stated after the study was done, the Village should discuss whether to replace the bridge or not. He questioned how much the road is really used. Trustee Posthuma asked what the cost would be of a new bridge. Village Engineer Matthew Lew stated a fully reconstructed bridge would be approximately \$2.5 million and Public Services Director George Peluso explained that federal funding would cover 80%. President Cauley noted that federal money is taxpayer money.

The Village Board agreed to move the item forward to the consent agenda of their next meeting.

d) Approve the award of Bid #24-445-1531 to Monaco Mechanical Lisle, IL, for the Hinsdale Public Services Building Boiler Replacement Project in the amount of \$117,000.

Trustee Byrnes introduced the item. He explained the Public Services Garage boiler is 56 years old and parts are becoming increasingly difficult to find. Village staff contracted with Kluber Architects & Engineers to review the current system configuration, develop solutions for the boiler and AC/heating unit replacements as well as provide construction administration. Kluber's fee is approximately \$15,000. The fee is split evenly between the boiler replacement project and the AC/heating unit project. Trustee Byrnes explained staff would review the AC/heating bids and they would be considered at a future Board meeting. The total cost of the project is approximately \$124,000, which is under budget, and Public Services staff will also be applying for \$4,500 in rebates through the Nicor Gas Energy Efficiency Program.

The Village Board agreed to move the item forward to the consent agenda of their next meeting.

Zoning and Public Safety (Chair Stifflear)

e) Approve an Ordinance amending various sections in Title 6 (Motor Vehicles and Traffic), Chapter 13 (Bicycles) of the Village Code of Hinsdale relative to bicycles, electric bicycles and personal mobility devices.

Trustee Stifflear introduced the item. He stated the Village Board directed the Police Department to look into regulations regarding electric bicycles, personal mobility devices and scooters. The proposed ordinance is based on the Police Department's recommendations. He explained that low-speed electric bicycles are regulated by the Illinois Vehicle Code, which categorizes them into three distinct classes under 750 watts. Each class has specific regulations regarding age and assisted speed. However, the Illinois Vehicle Code does not clearly define or regulate electric devices with batteries rated at 750 watts or higher. These electric "dirt bikes" can reach speeds of over 50 mph.

Trustee Stifflear explained that the proposed ordinance was designed to allow staff to enforce violations as ordinance violations, ensuring that these would not impact a rider's ability to obtain a driver's license if they were not yet of driving age. He explained the proposed ordinance breaks down the types of motorized devices into categories:

- Low-speed electric bicycles - These are devices with a motor less than 750 watts, have pedals, must be operated on the street and cannot be operated on sidewalks.
- Conventional, non-electric bicycles - Conventional bicycles can be operated on the street or sidewalk.
- Personal mobility devices - These devices cannot exceed 15 mph and include electric scooters, skateboards and "one-wheels". These devices can only be operated on sidewalks and must yield to pedestrians.
- Electric bicycles with a motor of 750 watts or more - These devices are not permitted to be operated within the Village.

Trustee Stifflear noted that all of the categories of devices are not allowed to be operated on the sidewalk in the Central Business District. He explained the Police Department would start with warnings before issuing violations. Deputy Police Chief Tom Lillie explained the Police Department has been working with School District 181 to educate parents and guardians about the ordinance. The Police Department also plans to use social media and signs in the Central Business District for public education.

Trustee Byrnes asked how the Police Department would issue tickets to children. Deputy Chief Lillie stated the Police Department would try to get a hold of the parents to give a warning and educate them.

Trustee Fisher asked for clarification about where personal mobility devices like motorized skateboards or scooters were allowed to be operated. Deputy Chief Lillie said personal mobility devices would be allowed on the sidewalk only. He went on to clarify low-speed electric bicycles would only be allowed on the street and personal mobility devices with a motor 750 watts or more are not permitted to be operated within the Village.

Trustee Braden asked how the public would be notified about where devices could be operated. Deputy Chief Lillie stated there would be an educational campaign by the Police Department and signs with QR codes would be placed in the Central Business District. Trustee Braden asked about children going to and from school and Deputy Chief Lillie stated the complaints received by Police Department are mainly outside of school hours.

Trustee Banke asked about the communication strategy as it relates to the parents and guardians. Deputy Chief Lillie stated that the Police Department's educational campaign should reach the audience they are aiming for.

Trustee Byrnes inquired about the use of personal mobility devices on streets that lack sidewalks. Deputy Chief Lillie clarified that these devices are permitted only on sidewalks.

Trustee Posthuma identified a potential error in the proposed ordinance, specifically on page four, paragraph J, where the word "or" should be replaced with "and." Police Chief Brian King confirmed that "and" is the correct wording.

The Village Board agreed to move the item forward for a second reading at their next meeting.

f) Approve a Resolution Approving a Preservation Incentive Certificate and Authorizing Execution of a Preservation Incentive Agreement Relative to Property Located at 317 E. First Street – Case HPC-6-2024.

Trustee Stifflear introduced the item. He stated this item is a Preservation Incentive request for 317 E. First Street. He stated that this house is an excellent example of the preservation incentive program, which enhances the property and potentially prevents it from being torn down in the future.

Trustee Stifflear explained that the applicant is requesting approval of alternative zoning regulations, a building permit fee waiver, expedited processing, a property tax rebate, and matching grant to allow for the construction of a rear addition and porte cochere, the expansion of the existing porch, and the construction of a new detached garage at 317 E. First Street. The existing 1-story detached garage located to the north of the house will be demolished as part of this project. The Historic Preservation Commission approved the Preservation Incentive at their April 23, 2024 meeting.

Trustee Stifflear stated the preservation incentives include an annual property tax rebate for five years, \$10,000 in grant funding, a permit fee waiver and zoning relief. The proposed zoning relief would reduce the north rear yard set back to 15.5 feet from 25 feet and reduce the side yard to 10 feet from 14 feet to allow for the improvements.

Trustee Stifflear noted there was a table included in the Board materials that shows all of the projects that been approved by the Village Board in 2023 and 2024 for funding from the Historic Preservation Fund. There was a discussion about when the preservation incentives are paid. Village Planner Bethany Salmon explained the incentives do not get paid out until the homeowners complete the project.

Trustee Posthuma asked how the property tax rebate is reflected in the budget. Chief Financial Officer Carrie Dittman confirmed there is a line item in the budget for historic preservation incentives.

Trustee Stifflear asked if any complaints had been received from the neighbors regarding the setbacks. Village Planner Bethany Salmon reported there were no complaints received.

The Village Board agreed to move the item forward to the consent agenda of their next meeting.

CONSENT AGENDA

Administration & Community Affairs (Chair Posthuma)

a) Trustee Stifflear moved to **Approve payment of the accounts payable for the period of April 11, 2024 through May 1, 2024 in the aggregate amount of \$1,002,126.12 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Banke seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes and Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

The following items were approved by omnibus vote:

Administration & Community Affairs (Chair Posthuma)

b) Approve the 2024 Pay Plans for Full-time, Part-time and Public Services employees to be effective May 1, 2024 – April 30, 2025. *(First Reading – April 16, 2024)*

Environment & Public Services (Chair Byrnes)

c) Approve a resolution to adopt the 2023 DuPage County Natural Hazards Mitigation Plan.

d) Award the construction contract for the 2024 Sidewalk Program to Strada Construction Company in the amount not to exceed \$138,000. *(First Reading – April 16, 2024)*

e) Award the design engineering and construction observation professional services for the 2025 Resurfacing Program to Hancock Engineering in the amount not to exceed \$266,560. *(First Reading – April 16, 2024)*

Zoning and Public Safety (Chair Stifflear)

f) Approve a temporary use permit to allow for outdoor dining on private property until October 31, 2024, and to allow for live outdoor music every Wednesday from May 22, 2024 to September 26, 2024, for Fuller House located at 50 S. Garfield Avenue, subject to conditions to be set forth by the Building Commissioner. *(First Reading – April 16,*

2024)

- g) Approve a temporary use permit to allow for an outdoor dining area to be located within two (2) parking spaces for Giuliano's Pizza at 40 Village Place from May 22, 2024 to August 15, 2024, subject to conditions to be set forth by the Building Commissioner. *(First Reading – April 16, 2024)*
- h) Approve an Ordinance Approving Various Additional Properties within the Historic Overlay Zoning District for Inclusion on the Historically Significant Structures Property List. *(First Reading – April 16, 2024)*

Trustee Byrnes moved to **approve Consent Agenda Items 10b – 10h, as presented**. Trustee Fisher seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes and Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

SECOND READINGS / NON-CONSENT AGENDA – ADOPTION

Environment & Public Services (Chair Byrnes)

- a) Award the design/build contract for the Second Street Water Main Replacement Project to Burke, LLC, in the amount not to exceed \$250,355.**

Trustee Byrnes introduced the item. He explained that since early 2023, the deteriorated water main on Second Street between Vine Street and Grant Street has been inoperable due to a substantial amount of water main breaks that occurred. The project encountered an unplanned sanitary sewer conflict, which required the installation of additional casing pipe along with additional required roadway patching. Due to these two items, bids were higher than budgeted. Trustee Byrnes explained that staff would apply remaining ARPA Village funds to this project. He stated the item is on Second Reading so work can begin as soon as possible.

Trustee Byrnes moved to **Award the design/build contract for the Second Street Water Main Replacement Project to Burke, LLC, in the amount not to exceed \$250,355.**

Trustee Fisher seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes and Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

DISCUSSION ITEMS

a) Tollway Update

Village Manager Kathleen Gargano reported that staff has been receiving resident phone calls regarding the Tollway work along the corridor and explained that the Tollway has updates on their website, illinoistollway.com. Residents with concerns can also call the Tollway at 630-246-2930. Manager Gargano stated that while the Village is happy to assist residents in contacting the Tollway, the project itself is a Tollway project. Manager Gargano also reported the Village has reminded the Tollway of Village work hours and limitations on noise.

b) 150th Update

None.

DEPARTMENT AND STAFF REPORTS

None.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

None.

CITIZENS' PETITIONS

Ms. Katie Phelan, 336 E. First Street, spoke about concerns regarding public safety and Fuller's Car Wash related to the existing and proposed bollards at the car wash.

Mr. Bill Johnson, 730 S. Madison, spoke about concerns regarding public safety and Fuller's Car Wash related to the existing and proposed bollards at the car wash.

Ms. Melissa Lange, Glen Ellyn resident and licensed structural engineer, spoke regarding an independent review she made of the work at Fuller's Car Wash and spoke about concerns regarding the safety of the existing and proposed bollards at the car wash.

Mr. Bob Sweeny, 159 Ravine, spoke about concerns regarding public safety and Fuller's Car Wash related to the existing and proposed bollards at the car wash.

Mrs. Joanne Sweeny, 159 Ravine, spoke about concerns regarding public safety and Fuller's Car Wash related to the existing and proposed bollards at the car wash and concerns regarding previous accidents at Fuller's Car Wash. President Cauley explained all accidents are not brought to the Village Board and Fuller's has been in operation since 1962.

President Cauley explained that Fuller's placed the bollards without a permit and Village Board approval and was issued tickets for performing the work without a permit. He stated the Village hired an engineer, HR Green, and Fuller's was to install additional bollards between each of the

existing bollards. He stated the bollards were to be placed in the spring, but he was disappointed they hadn't been placed earlier due to the mild winter.

President Cauley stated that after the last Village Board meeting, the Village hired another structural engineer who looked at the reports from the Richards' engineer and HR Green and recommended the bollards be purchased from a company that commercially manufactures bollards that have been crash tested. The Village contacted a manufacturer that makes bollards for schools, hospitals and public buildings which are able to withstand a pickup truck going 40 mph. The Village purchased the bollards to get this done as quickly as possible. President Cauley explained that the letter the Village Board received from structural engineer Melissa Lange stated the bollards needed to be moved in from the sidewalk and the Village's hired engineer agreed. The bollards are proposed to be moved in so they will be 3'4" off the sidewalk, which crash test data indicates will protect pedestrians on the sidewalk. He said the manufacturer will provide stamped plans and Fuller's was required to hire their own engineer who will stamp the plans to show the bollards have been installed in accordance with the drawings. The original bollards will need to be removed and a concrete foundation placed. The Village will receive a report from the manufacturer stating that the bollards can withstand a vehicle going 40 mph.

President Cauley noted that Police Chief Brian King sent a letter to Fuller's reminding them that they cannot have cars on the sidewalk and will be ticketed if they if they use the sidewalk.

President Cauley stated the letter from the Richards' asked that the Village revoke Fuller's special use permit. He explained the Village can't revoke the special use permit as they have not violated the conditions of the special use permit.

A member of the audience asked if there was something the Village could do before the new bollards were placed. President Cauley said the Village would place a jersey barrier behind the bollards.

President Cauley expressed sympathy for the Richards and stated he will make sure the bollards are put in correctly.

Mr. Sweeny questioned if there had been a study of the traffic flow at Fuller's. President Cauley stated there was not a study done, but it was taken into consideration.

Mr. Johnson asked that Village do something before the new bollards were placed.

Mr. CJ Bak, 111 N. Lincoln, spoke about concerns regarding public safety and Fuller's Car Wash. He suggested looking at other solutions, such as a "property swap", so Fuller's could relocate to a larger property.

Ms. Beth Grunow, 913 S. Adams, spoke about concerns regarding public safety and Fuller's Car Wash related to the proposed bollards at the car wash and heavy electric vehicles. She asked about updating the special use permit.

President Cauley gave a brief overview about special use permits.

Ms. Margaret Woulfe Arens, chair of the Board of Fire and Police Commissioners and Hinsdale resident, stated she was following up to her comments made at the last Board meeting. She questioned whether the changes in the duties of the Board of Fire and Police Commissioners and changes regarding appointments were allowed by the law, specifically the Illinois Municipal Code related to Boards of Fire and Police Commissioners, and whether there had been an opinion ruling or decision made. President Cauley stated the Village had a lawyer that reviewed the changes.

Ms. Woulfe Arens stated she was looking for clarity on what the Board of Fire and Police Commissioners have the authority and are expected to do. President Cauley explained the issue of whether captains are included in the union or not is before the Illinois Labor Board. If captains are included in the union, the Board of Fire and Police Commissioners appoints the captains, and if the captains are not in the union, the Village Board appoints them. He stated there are currently no vacancies for captains. He stated when the Illinois Labor Board rules, the Board of Fire and Police Commissioners will be notified. Ms. Woulfe Arens questioned when the Illinois Labor Board would make the ruling and Village Manager Kathleen Gargano said it depended on when the labor board holds their meeting.

Ms. Woulfe Arens mentioned Interim Fire Chief Jeff Pindelski had previously been a Deputy Fire Chief and said she hoped the Village would share a letter received from a former Hinsdale Fire Chief with him. She also thanked President Cauley for saying at the last Board meeting that the decision to eliminate the Deputy Chief position would be revisited should he get the sense there was any negative impact on public safety.

TRUSTEE COMMENTS

None.

ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn the meeting. Trustee Fisher moved to adjourn the meeting. Trustee Byrnes seconded the motion.

AYES: Trustees Posthuma, Braden, Stifflear, Fisher, Byrnes and Banke

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried

Meeting adjourned at 8:45 p.m.

ATTEST : _____

