

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
September 19, 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, September 19, 2017 at 7:32 p.m., roll call was taken.

Present: President Tom Cauley and Trustees Christopher Elder, Michael Ripani, Luke Stifflear, Gerald J. Hughes and Neale Byrnes

Absent: Trustee Matt Posthuma

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 led those in attendance in the Pledge of Allegiance

APPROVAL OF MINUTES

Trustee Elder moved to **approve the minutes of the regular meeting of September 5, 2017, as presented.** Trustee Ripani seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Trustee Posthuma

Motion carried.

CITIZENS' PETITIONS

None.

VILLAGE PRESIDENT'S REPORT

None.

APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE VILLAGE MANAGER AND THE VILLAGE OF HINSDALE

President Cauley introduced the item stating that the third amendment to Village Manager Kathleen A. Gargano’s employment contract was discussed by the Board in closed session on September 5, 2017. He has reviewed the document and confirmed that the terms of the amendment are reflected correctly in the agreement document. Trustee Byrnes moved **Approval of an Amendment to the Employment Agreement between the Village Manager and the Village of Hinsdale**. Trustee Hughes seconded the motion.

- AYES:** Trustees Elder, Ripani, Stifflear, Hughes and Byrnes
- NAYS:** None
- ABSTAIN:** None
- ABSENT:** Trustee Posthuma

Motion carried.

FIRST READINGS - INTRODUCTION

Administration & Community Affairs (Chair Hughes)

- a) **Approve a Contract with Mac Strategies Group, Inc., Chicago Illinois at an amount not to exceed \$6,500 per month for the period of September 19, 2017 through December 19, 2017 for lobbyist services related to the Illinois State Tollway Authority expansion project**

Trustee Hughes introduced the item regarding a contract with an advisory firm to help with discussions with the tollway. The Village engaged this firm three months ago, when it was expected that was the appropriate time line for the planning and approval of the tollway expansion. However, the time has lengthened, and the Village would like to continue to use their services moving forward. To date, they have done good work establishing channels of communication with key decision makers, and been effective laying out our case and concerns. The Village needs someone on the job to monitor and actively communicate our interests. He believes there is a certain amount of work that needs to be done, the time line is doubled, but that likely doesn’t lead to double the work. He is concerned the firm will fill the time with other work. Village Manager Gargano recommends a shorter contract term to watch what is going on. President Cauley added the tollway is likely to come out with a proposal in the fall, and the Village needs somebody in Springfield who knows legislators and will use their influence on our behalf.

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

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Ripani moved **Approval and payment of the accounts payable for the period of September 5, 2017, to September 19, 2017, in the aggregate amount of \$1,506,600.69 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 Elder, Ripani, Stifflear, Hughes and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: Trustee Posthuma

Motion carried.

Trustee Stifflear asked that the following item be removed from the consent agenda for separate discussion.

Zoning & Public Safety (Chair Stifflear)

- b) **Approve an Ordinance Amending Title 3 (“Business and License Regulations”), Chapter 11 (“Solicitation”) of the Village Code of Hinsdale (First Reading – September 5, 2017)**

Trustee Stifflear reintroduced the item because there was feedback from residents that thought the ordinance restricted religious or political people. He read the section added to the ordinance to clarify this is not the case, and recapped the other changes included in this ordinance. It was confirmed that staff believes these changes represent industry best practices and constitutional protection. President Cauley recommended the ordinance specifically state it is not intended to prohibit political or religious proselytism, but is intended to stop collection for business. He believes the reference back to First Amendment is not clear enough. Police Chief Brian King said he will adjust the language with the Village attorney and bring the item back to the Board.

No action was taken; the Board agreed to move this item forward for another second reading at their next meeting.

SECOND READINGS / NON-CONSENT AGENDA - ADOPTION

Zoning & Public Safety (Chair Stifflear)

- a) **Approve an Ordinance Approving a Special Use Permit to Operate a Physical Fitness Facility in the B-1 Community Business Zoning District at 5819 S. Madison Street (First Reading – September 5, 2017)**

Trustee Stifflear introduced the item and reminded the Board this property is part of a strip mall located south of Hinsdale Central’s football field. No residents spoke against this proposal at the Plan Commission and it was unanimously approved. The applicants made a presentation to the Village Board at their last meeting, and there were no objections.

Trustee Elder moved to **Approve an Ordinance Approving a Special Use Permit to Operate a Physical Fitness Facility in the B-1 Community Business Zoning District at 5819 S. Madison Street.** Trustee Ripani seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Trustee Posthuma

Motion carried.

DISCUSSION ITEMS

a) Construction update

Director of Public Services George Peluso reported everything is still on schedule and ALamp anticipates finishing in the middle of November.

b) Update on proposed I-294 Tollway expansion

President Cauley said more information is expected mid-November.

DEPARTMENT AND STAFF REPORTS

- a) Treasurer's
- b) Police
- c) Fire
- d) Public Services, (*July and August*)
- e) 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

Mr. Bob Schultz, 733 S. Grant Street, addressed the Board on behalf of his in-laws, Dr. & Mrs. Warren Furey who reside at 244 E. First Street. He reported that Mr. John Bohnen (230 E. First Street) has begun construction of a 5-6' foot iron 'wall' on the front and side yard of his property, the only such fence of this type in this area. As Chair of the Historic Preservation Commission, Mr. Bohnen recommended this change. The matter was a first reading at the May 3rd meeting of the Village Board, and was passed on May 17th. It was 36 days from introduction by Mr. Bohnen to approval by the Village Board. Mr. Schultz expressed concern that this matter was not given public notice, nor did Mr. Bohnen represent that this ordinance was written for himself. Further, he asked the Village to halt construction, so that neighbors can be heard. It is his understanding that new structures must go before Historic Preservation Commission when the property is located in the historic district. He doesn't understand why this was bypassed. He described the

'wall' as unsightly, and noted the only other two properties that have these types of fences are truly estates.

President Cauley responded that this change to the municipal code was handled exactly like all ordinances; it received two readings by the Village Board and was published in the agenda each time. Mr. Schultz reiterated that neighbors were not notified. Director of Community Development Robb McGinnis explained this fence issue did not need to be noticed as a public hearing, and only new single-family, demolitions and signage are being sent to the Historic Preservation Commission at this time. Village Manager Gargano said an evaluation was done, and not everything is going to the Historic Preservation Commission because the burden would be too great a workload for the commission. She added that at the November 17, 2015 meeting of the Village Board there was a discussion on this issue. In March of 2016, the HPC discussed the matter, and a final recommendation was made to the Village Board in May 2016. Mr. Schultz believes the April 11th memo to the Board requesting this change and making the recommendation should have included a disclosure from Mr. Bohnen that this would be a benefit to him. Ms. Gargano reminded Mr. Schultz that she would do what she told him in an earlier email today, staff will look into the timeline on this matter and determine what happened as quickly as possible.

Trustee Stifflear noted that all the agendas were posted, and a fence that is consistent with a lawful ordinance is a permitted right of a land owner. Trustee Hughes commented that if there is maneuverability in the process, that might be advisable to avoid impropriety because this matter involves the HPC Chair. He also acknowledged the Furey's would be shocked by this change to the streetscape. It is imposing. Mr. McGinnis commented that the only items that go to the HPC are landmarked properties; however, Mr. Schultz disagreed and said any new structure in the preservation district goes to the HPC. Ms. Gargano commented this issue won't be resolved this evening, she has reached out to the Village Attorney for guidance; staff will research the matter and get the facts.

Mr. John Kayser, 225 E. First Street, addressed the Board stating he lives across the street from the Bohnens. He recalls that 8-10 years ago, Mr. Bohnen asked for a variation to install this type of fence and neighbors objected to it at the time. Following that, the application was withdrawn. Mr. Kayser stated he is opposed to the fence. It sounds to him like the code requirement is to go to HPC, but because of practical reasons we don't do that. He thinks that gives the Board the right to send it to the HPC.

President Cauley said in the interim he is concerned about a stop work order in this case, but if it can be put on the HPC agenda, we can look into that. Mr. Kayser said he is disappointed that in the past neighbors had input, but now they don't.

President Cauley asked if we were to follow code, and not have a practical limitation, would this matter go to HPC. Mr. McGinnis said the letter of the code states anything in the Robbins district and Central Business District would be sent to the HPC for a non-binding opinion. Trustee Elder commented that with these circumstances it should be sent to the HPC. President Cauley reiterated the ordinance is on the books, but if residents are upset we should do something to make sure they feel the process is correct. He added the Village could ask Mr. Bohnen nicely if he will stop the work, but we can't force him.

Trustee Stifflear added a resident has a right to a fence within certain guidelines; Mr. Bohnen has met the guidelines, however, he does not want to mislead residents. This particular fence would go to the HPC only because of the district in which it is located.

Dr. Anne Furey Schultz, 733 S. Grant Street, addressed the Board with two comments. First, she referenced the house to the right of her parents' home, which was formerly the coach house to her parents' home. A request by the owner to restore the property went to John Bohnen's HPC and they beat it to death for months and months at great cost to the owner. She believes anybody who lives in that district believes they are at the mercy of Mr. Bohnen, and yet the Village allowed him this pass to build this fence. Secondly, she read emails between her father and Mr. Bohnen which indicate that Mr. Bohnen misled her father regarding his intentions relative to a fence. He told Mr. Furey the 'wide open spaces and flowing vista look good'. However, three weeks later when it became clear that he was, in fact, going to install a fence, he told Mr. Furey not to worry about it, the fence would look good.

President Cauley summarized stating he is sensitive to following procedure, but he thinks the Board followed the usual deliberative process. He said the first step is to send the matter back to the HPC. Although they are an advisory body only, it may help the neighbors reach resolution. Mr. Schultz urged President Cauley to ask Mr. Bohnen to stop building the fence.

TRUSTEE COMMENTS

Trustee Stifflear reminded the Board that Hinsdale Meadows will be before the Board at the October 3rd meeting for a first reading of the detailed plan. This is the last step in the process, and he recommended the Trustees read the transcript of the Plan Commission hearings. At the request of President Cauley, Mr. McGinnis will have Historic Preservation Commission Members Gonzalez and Prisby, both professional architects, review the building materials recommended in the detail plan.

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 September 19, 2017**. Trustee Byrnes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: Trustee Posthuma

Motion carried.

Meeting adjourned at 8:26 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk