

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
November 5, 2019**

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, November 5, 2019 at 7:31 p.m., roll call was taken. President Cauley announced that members of Cub Scout Pack 52 were in attendance tonight working on a merit badge.

Present: Trustees Matthew Posthuma, Scott Banke, Luke Stifflear, Gerald J. Hughes, Laurel Haarlow, Neale Byrnes, and President Tom Cauley

Absent: None

Also Present: Village Manager Kathleen A. Gargano, Assistant Village Manager/Director of Public Safety Brad Bloom, Assistant Village Manager Emily Wagner, Police Chief Brian King, Fire Chief John Giannelli, Finance Director Darrell Langlois, Director of Community Development Robb McGinnis, Director of Public Services George Peluso, 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

a) **Regular Meeting of October 15, 2019**

Following changes to the draft minutes, Trustee Hughes moved to **approve the draft minutes of the regular meeting of October 15, 2019, as amended.** Trustee Banke seconded the motion.

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

NAYS: None

ABSTAIN: Trustee Haarlow

ABSENT: None

Motion carried.

VILLAGE PRESIDENT'S REPORT

No report.

APPOINTMENTS TO BOARDS & COMMISSIONS

President Cauley recommended Mr. Peter Boomer to fill the vacancy on the Firefighters' Pension Fund Board. He explained this is a 3-year term, and unique in the amount of time required to qualify to serve. The member must take 32 hours of training from a college or university on pensions, and 16 hours annually in subsequent years of their term. Mr. Boomer currently also serves on the Finance Commission.

Trustee Hughes moved to **approve the appointments to Boards and Commissions, as recommended by the Village President.** Trustee Byrnes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

Mr. Michael Stick of 802 Franklin addressed the Board regarding the approval of a major adjustment for Land Rover on the agenda this evening. He stated there are a few concerns. The residents don't have objections to the substance of the matter, but learned that the construction of the barrier wall will not be completed until after the business will open. He is requesting the major adjustment be approved contingent on completed construction of the barrier wall; Land Rover can't have an occupancy permit, and they can't open. He asserted the inability of Land Rover to finish has nothing to do with residents or the conduct of the residents. He described the time line of approvals and construction. He elaborated on safety concerns regarding a temporary fence. Traffic lanes and 25-30 parking spaces abut residences on Franklin and Oak Streets. These lanes and parking sit on a berm within five feet of a property line. There are seven children under the age of ten within a few feet of the parking. Temporary fencing will not address a driver that hits an icy patch or the gas instead of the brakes. For these safety reasons they are requesting the business be unable to open until the wall is built. Another concern of the residents is ongoing construction that requires a construction barrier. This is not installed now for a week and a half. In his opinion, there is no guarantee Land Rover will comply; the Board's decision on this matter sends a message to residents about how seriously they take public safety.

Ms. Deb Braselton of 802 Franklin referenced photos she provided to the Board to illustrate the point about the barrier fence and an exposed electrical box. She feels these conditions are dangerous to area residents.

FIRST READINGS – INTRODUCTION

Administration & Community Affairs (Chair Hughes)

- a) **Accept the Village's Comprehensive Annual Financial Report (CAFR) and Management Letter for the Fiscal Year Ended April 30, 2019**

Trustee Hughes introduced the item related to the fiscal year report and management letter. The auditors found a minor deficiency in the accounting treatment for a bond issue, but in his opinion this is a 'squeaky clean' report. Board approval of these documents is

routine. Discussion followed regarding how long an accounting firm is engaged. Finance Director Darrell Langlois explained he has requested auditor rotation from Sikich, and is reluctant to go through the process of hiring a new firm until the Enterprise Resource Planning (ERP) project is complete.

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

- b) **Approve an Ordinance Amending Section 3-3-11 (Classification of Local Liquor Licenses) of the Village of Hinsdale Relative to Allowing Extended Hours for Establishments with Class B Restaurant Liquor Licenses on the Evening of November 27, 2019, or;**

Approve an Ordinance Amending Section 3-3-11 (Classification of Local Liquor Licenses) of the Village of Hinsdale Relative to Allowing Extended Hours for Establishments with Class B Restaurant Liquor Licenses on the Evening Prior to Thanksgiving

Trustee Hughes introduced the item that the Board has reviewed three prior years to extend the liquor service hours on the night before Thanksgiving to mirror weekend hours. Last year, the Board suggested this be considered as a permanent change to the code. Trustee Hughes pointed out that the ordinances for an annual approval and a permanent change are included, and the Board can do it either way. Police Chief Brian King confirmed there have been no issues with the extended hours in the past. The Board agreed to make this a permanent change.

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

- c) **Approve the CY2020 through CY2024 Capital Improvement Plan**

Trustee Hughes introduced the item to approve the five-year Capital Improvement Plan (CIP). This was reviewed at the joint meeting of the Committee of the Whole and the Finance Commission, and there were no changes to the document. He believes this is a consequence of reviewing this thoroughly every year.

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

Zoning & Public Safety (Chair Stifflear)

- d) **Approve an Ordinance Amending Sections 6-12-3 (“Schedule III; Stop Intersections”) and 6-12-4 (“Schedule IV; Yield Right of Way Intersections”) of the Village Code of Hinsdale**

Trustee Stifflear introduced the item for installation of two way-stops and two-way yields at the corners of Third and Hillcrest, and Clay and Walnut. Since late spring, the Village has received six requests for specific signage. Two of these meet the Manual of Uniform Traffic Control Devices (MUTCD) standards for stop or yield signs. He noted that in the past five years there have been four crashes at Hillcrest, and one at Clay Street. Some of the problems at the other recommended intersections can be mitigated by pruning. Trustee Haarlow noted a directional error in the ordinance; Trustee Stifflear will follow up on this error.

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

- e) **Approve an Ordinance Amending Chapter 6 (“Office Districts”), Section 60106 (“Special Uses”), of the Hinsdale Zoning Code as it relates to Special Uses in the O-3 General Office Zoning District – Design Work for Home or Office Remodeling Business and Related Showrooms; and**

Approve an Ordinance Approving Special Use Permits for Business Performing Design Work for Home and Office Remodeling, and an Accompanying Showroom, in the O-3 General Office Zoning District at 11 Salt Creek Lane – Normandy Design Build Remodeling

Trustee Stifflear introduced the matter referred by the Board to the Plan Commission in September for their review. The Board previously approved this use in the more restrictive O2 District, this request is for the O3 District. Staff has confirmed there would be no warehousing, manufacturing or assembly activity at this location. A similar use was approved 2016 for LaMantia Design in the O2 district. At their meeting of October 9, 2019 the Plan Commission approved the request with a vote of 6-1. The Commissioner who voted no was concerned with code language. Staff will clarify the language to determine if it is misleading or confusing, and provide direction to the Board. The concern was not the merits of the application.

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

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Posthuma moved **Approval and payment of the accounts payable for the period of October 16, 2019 to November 5, 2019, in the aggregate amount of \$1,525,117.12 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, Banke, Stifflear, Hughes, Haarlow and Byrnes

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

The following items were approved by omnibus vote:

- b) **Approve a Resolution Designating BMO Harris as a Depository, Designation of Authorized Officers, and Specifying Authorized Activities** (*First Reading October 15, 2019*)
- c) **Approve a contract with JLD Consulting Group, LLC in an amount not to exceed \$3,000 per month for the months of November and December 2019 and \$5,500 per month for the period January 1, 2020 through November 30, 2020 for lobbyist services related to the Illinois State Toll Highway Authority (Tollway) expansion project** (*First Reading October 15, 2019*)
- d) **Approve an Ordinance Authorizing the Sale by Auction or Disposal of Personal Property Owned by the Village of Hinsdale**

Trustee Byrnes moved to **approve the Consent Agenda, as presented.** Trustee Posthuma 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

Administration & Community Affairs (Chair Hughes)

- a) **Approve a Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes for the Village of Hinsdale in the Amount of \$10,537.297** (*First Reading October 15, 2019*)

Trustee Hughes introduced the item and stated this resolution is required by State law. Trustee Hughes moved to **Approve a Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes for the Village of Hinsdale in the Amount of \$10,537.297**. Trustee Posthuma seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Motion carried.

- b) **Approve the Union Contract with the Fraternal Order of Police (FOP)** (*Closed Session of the Village Board June 11, 2019, July 16, 2019 and September 17, 2019*)

Trustee Hughes said the current FOP contract expired in April 2019; staff has been working on negotiations with union representatives. This is a lot of hard work, and this contract is a good outcome. Village Manager Gargano explained this is before the Board as a second reading because everything in the contract is consistent with what has been communicated to the Board in closed sessions. The contract is not included in the materials because some of the language is still being wordsmithed, but it has been ratified. She summarized the changes to the contract; the Village can hire lateral police officers, an overtime distribution error has been remedied, additional time off for family member illness has been included, a flat dollar amount for officers in charge, and insurance parity with the rest of the Village. Additionally, salary increases of 2.25% in 2019 and 2020, and 2.5% in 2021. Those will be the pay increases for non-represented employees, as well. President Cauley added the Village takes these negotiations seriously; Hinsdale has a fine Police Department, but the Village has limited resources. Hinsdale tries to line up with comparable and neighboring communities; all the compromises in this contract are within the framework of comparable villages.

Trustee Hughes moved to **Approve the Union Contract with the Fraternal Order of Police (FOP)**. Trustee Banke seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Zoning and Public Safety (Chair Stifflear)

- c) **Approve an Ordinance approving a Second Major Adjustment to a Site Plan and Exterior Appearance Plan for Property Located at 336 E. Ogden Avenue – Bill Jacobs Group d/b/a Bill Jacobs Jaguar/Land Rover Hinsdale** *(First Reading October 15, 2019)*

Trustee Stifflear introduced the item, noting this is the first he has heard about a delay in the installation of the barrier wall.

Mr. Pontus Mattsson of 805 Franklin addressed the Board stating he has three children and fully supports what Mr. Stick and Ms. Braselton said.

Trustee Stifflear said the only open item was the landscape plan, however, in light of this delay, voting is not important and the item can be moved to the November 19 meeting of the Village Board. President Cauley pointed out that the issues of a major adjustment and occupancy permit are two separate things, and Mr. Jacobs has moved the fence back onto his property further than he has to.

Mr. Kevin Jacobs addressed the Board stating he also just found out from his sub-contractor there will be a delay installing the fence because of the snow and unseasonable freezing. Due to the fact that the fence is pre-cast, the weather has to be above a certain temperature to cast the panels. The updated schedule from Redmond Company indicates the panels will be finished poured on November 26, but with the Thanksgiving holiday, they might not be installed until December 2. There would be no inventory at the back of the property during the installation of the 8,000 pound panels, but he can't say with 100% certainty it will happen on December 2. The piers are expected to be installed this week, if they are unable to install the wall before opening, they would put up a temporary barrier. He noted that during the installation of the wall there would be no parking at the south side at all. Discussion followed that the major adjustment is separate from an occupancy permit.

Mr. Mattsson says the goalpost keeps changing, and it is frustrating to have to babysit this project. There is no temporary fence, and cars are parked there. He reiterated he believes this is a safety issue, and is not happy that the Board of Trustees is looking for a 'workaround'. Mr. Jacobs responded stating there are no cars parked there today, and the fence was removed to do the asphalt work. The temporary fence can go back up when the asphalt is complete. Mr. Mattsson said this could be delayed all winter if it's cold. Mr. Stick disagrees with President Cauley's characterization of Land Rover moving the location of the fence as 'gracious'. Further, he believes there is no guarantee Land Rover will not park cars there, the Village doesn't police these activities, and there is no guarantee the wall will ever go up if they are allowed to open prior to its installation. He has no trust anymore, and indicated the Village doesn't care if there is a temporary fence, and the Village doesn't care about the safety issue. Ms. Braselton distributed an email from the Village Attorney dated September 24, following the filing of the neighbors appeal with the Zoning Board of Appeals

that she believes indicates a stop work order has since been violated. Director of Community Development/Building Commissioner Robb McGinnis explained that following the filing on an appeal a stay of proceedings begins, but in this case both parties agreed to waive the stay so the work could continue. Ms. Braselton said they did not agree, the Village doesn't police activities at this project, and this is a safety issue.

Mr. Jacobs stated they have complied with everything from the Village, and have done their best to address the complaints and concerns of the neighbors. He stated they can operate without the drive aisle or the parking. Trustee Stifflear recommends holding this item for two weeks. President Cauley suggested Land Rover not use the south side parking spaces or the drive aisle until the fence is constructed. Mr. Jacobs agreed to this compromise, and explained that the construction fence has been removed because asphalt paving is in progress. Mr. Stick and Ms. Braselton still feel this is unacceptable. Mr. McGinnis indicated that the electrical box issue referenced by Ms. Braselton is probably not 'live', but will check on that. Discussion followed regarding previous email correspondence between Mr. Stick and Mr. Cauley.

Mr. Jacobs stated that as far as he knows his contractors are complying with safety regulations. It was suggested that temporary concrete jersey barriers be installed until the fence is installed. President Cauley stated he would like to see Land Rover open, but would like it to be safe. Ms. Braselton asked who is inspecting this project, because it is not safe. Trustee Haarlow asked if the old facility is in use, Mr. Jacobs stated the company cannot operate out of the old location as part of the tax agreement with the Village.

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

d) **Approve a Resolution Approving and Ratifying Revised and Updated Written Design Standards for Small Wireless Facilities**

President Cauley stated this item has been removed for Board action, and will be taken as a discussion item. The Board is not required to pass a resolution, as the Village Manager has the authority to make changes.

DISCUSSION ITEMS

a) **Parking deck update**

Assistant Village Manager/Director of Public Safety Mr. Brad Bloom provided an update stating that the contractors have lost a few days due to the unseasonable weather. The north wall is halfway complete. The water drain pipe on Garfield will require the street be closed, therefore, the work is scheduled for Thanksgiving, when school is not in session

b) **Tollway update**

Mr. Bloom stated, with reference to the tollway pedestrian bridge, that Hinsdale residents initially expressed interest in maintaining the current location, but are now opposing any plans to rebuild in that location. He referenced the Tollway survey provided to the Board. The Tollway has asked Hinsdale to reach consensus with Western Springs about the location by early December. He asked for direction from the Board; President Cauley said since the residents are opposed, he is okay with moving it.

Mr. Chris O'Malley of 555 Justina addressed the Board stating the existing access to the bridge is in his side yard. There are four houses directly on the current path. After reviewing more renderings, and looking more closely at the proposal, neighbors do not believe the design will work, as there will be a 20' foot wall and 10-12' feet of fence on top of that. In consideration of their property values and safety, he believes the better choice is at Veeck

Park. Trustee Byrnes asked Mr. O'Malley if the bridge is really needed or used often, to which Mr. O'Malley stated there are a fair number of people who use it for running and biking. He pointed out that moving it to 47th Street won't affect its recreational use, as it is still less than a mile away. Additionally, it might get more use connecting the two parks, and it opens up both downtown districts.

c) **5G Antenna**

President Cauley observed this is a serious issue for residents, and Trustee Stifflear has agreed to meet with the group called Stop 5G. He stated that Federal law prohibits the Village to object based on health risks; Stop 5G will take the lead on those. The Village will focus on aesthetics. In Illinois, there is more of a ground swell of communities concerned with this issue; the Village may get traction to oppose installation. He noted the Village still does not have an application. The Village Board adopted design standards six months ago, however, since the last Board meeting and hearing resident concerns, the Board has reviewed those standards again. Ms. Gargano has the authority to change those standards; the Trustees have a document that details the changes that make the design standards tighter. He summarized the changes to the document that include but are not limited to requiring poles be 200' feet from any residence, the order of installation preferences, wires should be underground, not from pole to pole, and a detailed landscape restoration provision. The Village plans to manage this tightly, and will not grant a blanket approval to any application, but will review any application one pole at a time. He understands the Federal stand on the safety, we aren't scientists, but the aesthetics is something else.

Ms. Christine Trainer and Ms. Paige Glendinning representing Stop 5G, addressed the Board stating their group is 750 members strong. They asked the Village to focus on the buildings the equipment can be installed on. They believe any antenna should be 250' feet away from anything that has to do with children. President Cauley cautioned that case law indicates that restrictions based on use of the building or implied safety, are not successful. They are concerned about the noise levels of the equipment, and whether the roof language in the design standards is clear enough.

Ms. Marla Mangone of 441 Stough talked about her property values. She urged President Cauley to reach out to elected officials. Ms. Gargano assured her that she has been in touch with Senators Susie Glowiak and Dick Durbin and State Representative Deanne Mazzochi. Ms. Mangone wants the Village to be as proactive as possible, and elaborated on the activities of communities on New York. She suggested the Village consider filing a class action suit.

The resident at **415 Bodin** expressed her concern about the 5G installation and suggested it is more than just aesthetics when someone has cancer. She also said that people are very busy and there are more than 750 people opposed to 5G.

DEPARTMENT AND STAFF REPORTS

- a) **Economic Development**
- b) **Police**
- c) **Community Development**
- d) **Parks & Recreation**

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

Ms. Gargano updated the Board on the Parks & Recreation OSLAD grant. She was in Springfield today and presented to the Department of Natural Resources. They will post the grant recipient in January or February of 2020. If the Village is awarded the grant, this would mean \$400,000 to use for maintenance and improvements at the community pool.

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 November 5, 2019.** 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 9:10 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk