

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
November 19, 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 19, 2019 at 7:33 p.m., roll call was taken.

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 November 5, 2019**

There being no changes to the draft minutes, Trustee Hughes moved to **approve the draft minutes of the regular meeting of November 5, 2019, as presented.** Trustee Byrnes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

VILLAGE PRESIDENT'S REPORT

1. PUBLIC HEARING - to receive public comments on the proposal to sell in the amount of not to exceed \$2,750,000 General Obligation Limited Tax Bonds for the purpose of financing various capital projects and other lawful expenditures in and for the Village and refunding certain outstanding bonds of the Village

President Cauley called to order the Public Hearing to receive public comments on the proposal to sell in the amount of not to exceed \$2,750,000 General Obligation Limited Tax Bonds for the purpose of financing various capital projects and other lawful expenditures in

and for the Village and refunding certain outstanding bonds of the Village. At the joint meeting between the Committee of the Whole and the Finance Commission on October 15, 2019, there was consensus to move forward with the bond sale. The required notice for the public hearing was published in accordance with State statutes in the Hinsdalean on October 31, 2019 and posted at Village Hall. The proposed bonds will have a maximum life of 20 years and proceeds will be used to refund the outstanding 2009 General Obligation Limited Tax bonds and to finance capital projects in the Capital Improvement Plan (CIP). Village Trustees had no further questions, no written testimony had been received, and there were no questions from the public present.

Trustee Hughes moved to close the Public Hearing **on the proposal to sell in the amount of not to exceed \$2,750,000 General Obligation Limited Tax Bonds.** Trustee Banke seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

None.

FIRST READINGS – INTRODUCTION

Administration & Community Affairs (Chair Hughes)

- a) **Approve an Ordinance providing for the issue of not to exceed \$2,750,000 general obligation limited tax bonds to finance capital projects in and for the Village and refund outstanding bonds of the Village, providing for the levy of taxes to pay said bonds, and authorizing the sale of said bonds to the purchaser thereof**

Trustee Hughes introduced the item for which the public hearing was just concluded. In brief, the current bond issue is 11 years in, but by reissuing and extending the maturity to 20 years, the Village will realize lower interest rates. These savings will fund departmental capital expenditures; the bond amount is based on keeping the tax levy flat.

President Cauley added the payment will be the same, but the Village will realize \$1.25 million in funds for CIP projects.

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

- b) **Approve an Ordinance Levying Taxes for Corporate Purposes for the Fiscal Year of the Village of Hinsdale, Illinois Commencing on May 1, 2019 and Ending on December 31, 2019 in the aggregate amount of \$13,712,494**

Trustee Hughes introduced Items B-H explaining these are annual housekeeping items as part of the tax levy process. Amounts from the levies are allocated into specific accounts related to specific bond issuances. Finance Director Darrell Langlois added this is a two-step process. The authorization ordinance set by the Board was previously approved; this is the process to levy the tax.

- c) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$5,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2012A, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**
- d) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$2,710,000 General Obligation Refunding Bonds (Library Fund Tax Alternate Revenue Source), Series 2013A, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**
- e) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$2,025,000 General Obligation Bonds (Waterworks and Sewerage System Alternate Revenue Source), Series 2014A, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**
- f) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$5,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2014B, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**
- g) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$9,775,000 General Obligation Bonds (Alternate Revenue Source), Series 2017A, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**
- h) **Approve a Resolution abating the tax hereto levied for the year 2019 to pay the principal of and interest on \$20,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2018A, of the Village of Hinsdale, DuPage and Cook Counties, Illinois**

The Board agreed to move Agenda Items B – H forward for a second reading at their next meeting.

i) **Approve the CY2020 Pay Plan**

Trustee Hughes introduced the pay plan which includes an increase of pay rates of 2.25% which is normal practice dictated by the agreement with the Fraternal Order of Police (FOP). A new full-time senior accountant has been added; it has become increasingly difficult to hire the quality part-time help necessary. He noted the position is included in the draft budget, and added that if Mr. Langlois needs the help, we should get him the help. Trustee Hughes noted one of the Finance Commissioners at the Committee of the Whole meeting held earlier this evening, questioned how we make sense of adding a new full-time position when it is expected we will find efficiencies in the Finance Department upon completion of the new ERP system. Trustee Hughes explained the Village does expect to realize efficiencies, but there is more work to do before there is less work to do. Over the next couple years, the Board will have greater visibility about where efficiencies arise, and as a result the potential of a reduction in staffing. In the meantime, we are helping this person build a resume, and the Village can develop great financial professionals.

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

Zoning & Public Safety (Chair Stifflear)

- j) **Approve the purchase of one new patrol vehicle for the amount of \$44,000**
Trustee Stifflear introduced the item that is the purchase of new Police Department vehicle. In September 2019 a 2017 Ford Explorer with 63,000 miles was totaled. The Village will receive \$17,000 in insurance proceeds to cover this loss. The vehicle would have been scheduled for replacement in 2020. Due to long lead times, staff is advising the new vehicle be purchased now to take delivery in 2020.
The Board agreed to move this item to the consent agenda of their next meeting.

CONSENT AGENDA

Administration & Community Affairs (Chair Hughes)

- a) Trustee Stifflear moved **Approval and payment of the accounts payable for the period of November 6, 2019 to November 19, 2019, in the aggregate amount of \$5,050,333.09 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.

- 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 Prior to Thanksgiving (First Reading November 5, 2019)**
President Cauley introduced the only Consent Agenda item that will amend liquor service hours on the night before Thanksgiving.
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) **Accept the Village's Comprehensive Annual Financial Report (CAFR) and Management Letter for the Fiscal Year Ended April 30, 2019 (First Reading November 5, 2019)**

Trustee Hughes introduced the item noting it is a second read instead of a consent agenda item because of the magnitude of dollars involved, but there were no issues with the CAFR. Trustee Hughes moved to **Accept the Village's Comprehensive Annual Financial Report (CAFR) and Management Letter for the Fiscal Year Ended April 30, 2019.** Trustee Banke seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

b) **Approve the CY2020 through CY2024 Capital Improvement Plan (*First Reading November 5, 2019*)**

Trustee Hughes moved to **Approve the CY2020 through CY2024 Capital Improvement Plan.** Trustee Byrnes 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, Second Reading November 5, 2019*)**

Trustee Stifflear introduced the item and noted that Mr. Kevin Jacobs is present by telephone. He explained that this item had been tabled at the last meeting of the Village Board after residents voiced new concerns about the installation of the fence and possible safety issues. This major adjustment includes the relocation of the fence along the southern property line, minimizing the removal of trees, reduction of one parking space, relocation of light pole, and a finalized landscape plan, agreed to by the neighborhood group and Land Rover. At the first reading, the Board agreed these minor changes could be approved at the Board level, and Plan Commission Chairman Steve Cashman did not believe there would be any value to further Plan Commission review. At the last meeting, neighbors insisted that since the fence would not be installed prior to the scheduled opening on December 2, the Village should not issue the certificate of occupancy until the fence is completely installed.

Mr. Scott Selfridge, CFO for the Bill Jacobs Group, addressed the Board and provided updated timelines. The week of November 18, the asphalt should be completed, however, it rained today and the surface was cleaned only. The arborvitae on the south side will be planted this week. The construction fence will remain up, except when the arborvitae is planted, and then it will be reinstalled. He emphasized this is the plan for the week, but the

weather will play a factor. The week of November 25, there is no work planned for the south site, building work only, the chain link fence will remain up. They plan to commence dealership operations on December 2. The wall will not be complete, due to weather delays. The chain link fence will remain up, and is secured to the steel pillars that will hold up the concrete wall. The pillars are in 5' feet deep cement. They believe this is a very secure barrier. He noted that Continental Ferrari, which borders residential property, has a wooden fence. The now Land Rover property was a GM Training facility, and their partial wooden fence was accepted as a proper barrier for many years. He noted that the south end will include a driveway, but it is not the main driveway, and speed bumps will be installed. Further, their dealership policy is a 5 mile/per hour speed limit. They feel the fence on the steel poles is a proper barrier, and would be sufficient to protect the residences in the remote chance a car would hit the fence. Mr. Selfridge said if Trustees want more of a barrier, they will park cars parallel to the southern barrier. Cars will be convenient to move when the concrete fence is installed, and will not damage the asphalt. President Cauley said the jersey barriers could damage the parking lot because of weight and could delay installation of the permanent fence because of removal.

Redmond Group has said they expect the fence to be installed the week of December 9. Discussion followed regarding the process of curing the fence. It will take a week to completely install the panels once they arrive; there are no issues with temperature for installation.

The hardwood trees cannot be installed because of weather, per the recommendation of the nursery, but the arborvitae can be planted. So the trees north of the fence will be installed in the spring.

Ms. Debra Braselton of 802 Franklin Street addressed the Board and referenced an email she had sent to the Trustees. She believes the pressing question is when the fence was ordered. Trustee Stifflear said the fence was ordered on October 4. Ms. Braselton would like the other questions in her email answered by the contractor not the CFO.

Mr. Dave Garber, Redmond Group site superintendent, in response to Ms. Braselton's questions, explained that the concrete fence sections are being poured, but they don't know how many have been poured. The curing process takes six days; the estimated delivery is December 9, it will take one week to complete installation, and all the prep work for installation is complete. The crane will arrive the morning of December 9, but if there are high winds or lightening, installation will be delayed as that would be unsafe for crane operations. Despite complaints from the residents about when work takes place, they will work on Saturday the week the fence is delivered.

Mr. Pontus Mattsson of 805 Franklin addressed the Board and is distressed that there is no definitive answer as to when the fence will be complete. He accused the Board of disregarding the safety of residents. He believes the Jacobs group is in violation of the code and the agreement, they haven't done anything they've been asked to do, they can't be trusted to provide a secure fence, and Village staff has not been on site sufficiently to enforce regulations, including work hours.

President Cauley asked that representations from the fence fabricator be sent to the Board so that information can be passed on to the neighbors. He would like to know as soon as possible if the date changes from December 9.

Trustee Stifflear moved to **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.**

Trustee Byrnes seconded the motion.

Trustee Hughes clarified the item before the Board for approval has nothing to do with occupancy; this is only about approving the plan that includes agreement on landscaping and other points.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

- 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 that pertains to the installation of two-way stop signs at certain residential intersections. Discussion followed regarding the direction of the streets included; Chief Brian King acknowledged the confusion, but explained the ordinance follows the format of previous ordinances that make this type of change.

Trustee Stifflear moved to **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 Hughes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

- 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**
- f) **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 (First Reading November 5, 2019)**

Trustee Stifflear introduced the two items for Normandy Builders reminding the Board they were reviewed by the Plan Commission in October, and approved 6-1 at that time. Staff confirmed there will be no warehousing, manufacturing or assembly at this location.

Trustee Stifflear moved to **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 Banke seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

DISCUSSION ITEMS

a) Parking deck update

Assistant Village Manager/Director of Public Safety Brad Bloom reported the Village is on target so far for the June 2020 completion, but Ms. Gargano cautioned this is weather dependent. On December 2, southbound Garfield will be closed for the installation of a drain pipe, and the precast materials should be delivered on December 9.

b) Tollway update

Mr. Bloom reported the Tollway has requested a change to the Intergovernmental Agreement (IGA); he will provide a memo to the Board in Manager’s Notes, with respect to the sequencing and access to the Peirce Park noise walls. This is due to a change in design and the installation of drainage. It was confirmed this is an amendment to the IGA only, and staff believes this is the best outcome for the Village. Although there will be no sound wall for approximately two months, the work area does not abut any residences, a temporary fence will be in place, and Little League activities will not be impacted.

c) 5G Antennas

Trustee Stifflear began discussion stating the Village has not as yet received a formal application from Verizon to install 5G equipment. He reported STOP 5G held a resident meeting earlier this evening and there was a good turnout. He said that Manager Gargano had reached out to Representatives Glowiak and Mazzochi, who had representatives in attendance.

Ms. Christine Turner, representing STOP 5G, addressed the Board stating there were as many as 75 people in attendance at tonight’s meeting. She stated she wanted to follow up on the issue of noise, at 40-50 decibils similar to a small restaurant. Discussion followed

regarding the existing noise ordinance in Hinsdale which was characterized as a 'reasonableness' ordinance. Ms. Turner said that even though the Board can't address health issues, they need to push back. Ms. Gargano stated this matter is on the DuPage Mayor and Manager's agenda for a meeting she will attend tomorrow, and she will pose Ms. Turner's questions to representatives from Verizon, and AT&T. Ms. Gargano said she has also reached out to the Audubon Society for migratory bird patterns in response to Ms. Turner's concerns about the birds. Ms. Turner proceeded to talk about the Illinois Environmental Protection Act (IEPA) and air pollution, and referenced a passage on harmful radiation.

President Cauley cautioned that if the Board keeps having discussion about these and other health and safety issues, it could be argued the Village is not really policing aesthetics. He does not want the Village to be accused of using aesthetics as a pretext. While he sympathizes, the Board can't have impact if they take on safety. She said she still wants the Board to push back and support them, and wants the Village to hire a lobbyist. President Cauley explained the Board can consider hiring a lobbyist, but to date no one has filed an application. Hiring a lobbyist at large is a waste of money. Ms. Gargano added DuPage Mayor's and Manager's has a lobbyist that represents 60 communities, as opposed to one, which is more effective.

An unidentified resident who recently moved to Hinsdale from California addressed the Board stating that she works for Apple, but warned of the health risks 5G poses. She explained that small towns in California similar to Hinsdale are fighting hard on this matter and representing the rights of their residents opposing more than just the aesthetics. She thinks the Board needs to be more aggressive, and pay attention to what these other communities in California are doing. She encouraged the school union get involved as they are powerful lobbyists.

Ms. Julie Grieve of 609 S. Bruner Street addressed the Board stating more people would attend these meetings if they were better informed of the issue. Regarding aesthetics, she wondered if any additional exemptions apply because this is historic Village. She also believes that it is reasonable for our community to expect that a for-profit company has no right to set up shop without Village consent.

Ms. Nancy Perlman representing Illinois for Safe Technology thanked the Board for sending letters to legislators urging the repeal of Senate Bill 1451. She referenced a model wireless telecommunications ordinance for the Board to review noting that permit applications could include a requirement for certification by an independent radio engineer, making sure the small cell installation is in compliance with FCC standards, and a master plan for the location of all small cells be included. It also requires documentation that all residents within 500' feet are notified, and no installation can be located any less than 1,500' feet from a permanent residential dwelling or another cellular installation.

She learned today of a Federal law called the National Environmental Protection Act (NEPA) that requires the FCC provide an environmental impact assessment of any action taken, but they had delegated this to the wireless companies. In 2017, the wireless companies complained this was expensive, time-consuming and unnecessary, so the FCC released them from submitting the analysis in March 2018. In August 2019, Federal judges ruled the deployment of antennas could have a major environmental impact, so now the wireless companies are required to do the NEPA analysis. An application is incomplete without the

NEPA assessment. President Cauley thanked her for this information and said he will review the case.

d) **2020 Budget**

Trustee Hughes said the Committee of the Whole and the Finance Commission met earlier this evening to review the draft budget. He recapped items discussed, but said that nothing changed in the budget. For the next budget year, efficiencies from the ERP implementation will be reviewed, as well as the level of funding for the MIP. He said it was a pretty good presentation, and there is nothing else of note to report.

DEPARTMENT AND STAFF REPORTS

- a) Treasurer's Report
- b) Fire
- c) 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 Stifflear moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of November 19, 2019 into closed session under 5 ILCS 120/2(c)(11) litigation, filed or pending before a court or administrative tribunal or**

when an action is probable or imminent, not to reconvene into open session. Trustee Hughes seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Meeting adjourned at 8:50 p.m.

ATTEST: _____
Christine M. Bruton, Village Clerk