

**VILLAGE OF HINSDALE  
VILLAGE BOARD OF TRUSTEES  
MINUTES OF THE MEETING  
October 4, 2022**

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, October 4, 2022 at 7:01 p.m., roll call was taken.

Present: President Tom Cauley, Trustees Laurel Haarlow, (*present electronically*) Luke Stifflear, Michelle Fisher, Neale Byrnes and Scott Banke

Absent: Trustee Matthew Posthuma

Also Present: Village Manager Kathleen A. Gargano, Village Attorney Lance Malina, Assistant Village Manager Andrianna Peterson, Police Chief Brian King, Fire Chief John Giannelli, Director of Community Development Robb McGinnis, Village Planner Bethany Salmon, HR Director Tracy McLaughlin, Superintendent of Parks & Recreation Mike Hayes, 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 September 20, 2022**

Trustee Byrnes moved to **approve the minutes of the regular meeting of September 20, 2022, as amended**. Trustee Banke seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

**VILLAGE PRESIDENT'S REPORT**

President Cauley pointed out the Resolution on the agenda that demands State legislators work with public safety representatives, and all community stakeholders, to fix the remaining problems with the Safe-T Act. States Attorney Bob Berlin, who addressed the Board at the September 20 meeting about the provisions of the Act, agreed that adopting such a Resolution would be helpful to show support of efforts to revise the Act. Of concern is the criminal trespass portion of the Act that prohibits arrest and detention in these cases, allowing only for the issuance of a ticket. There is nothing to prevent persons from setting up a tent city in a park or in a person's yard, and no way to remove someone disturbing people in a restaurant, for example. Mr. Berlin, State Representative Deanne Mazzochi and Du Page County Sheriff James Mendrick attended a

resident meeting last week, and Sheriff Mendrick made a good point stating that not a lot of people are arrested for criminal trespass, but the threat of arrest is powerful. President Cauley said that after January 1, 2023, this will no longer be a credible threat. At this same meeting, when these facts were presented, some residents indicated their solution would be to shoot persons trespassing on their property. President Cauley expressed concern for the consequences of that action for the Village, and reiterated his belief this law must be changed.

The second concern with the Act is the unreasonable limitation of pre-trial detention that will allow perpetrators of many serious crimes, including kidnapping and second degree murder, to be released until trial. The new law states that unless they are a risk to a specific person or are a flight risk, they cannot be detained. It is unconscionable that State Legislators would pass this law considering the current level crime in Chicago. He urged residents to contact their legislators and write Governor Pritzger that changes to the Act are necessary to prevent problems.

President Cauley also made general announcements that October 10 is the last Farmers Market for the season, the Hinsdale Police & Fire Open House will be Saturday October 15, Friday October 14 is the 27<sup>th</sup> Annual Silent Parade to commemorate and remember fallen firefighters, and the Fall Family Fest is on October 15 at the Hinsdale Middle School.

He thanked the Hinsdale Chamber of Commerce, the Hinsdale Historical Society, the Hinsdale Public Library, the Hinsdalean, the Community House, and local businesses for their partnership in these community events.

Additionally, the 2022 Fall Recreation Program Guide is now available and registration is open. President Cauley introduced and welcomed Mr. Mike Hayes, the new Parks & Recreation Superintendent, who has 15 years of experience in his field.

## **CITIZENS' PETITIONS**

President Cauley confirmed that the property owner of 110 E. Ogden Avenue was present, because he wanted to talk to them about what has transpired in the last couple days. He made note that Mr. Staver and his neighbors have appeared before the Village Board at least once, and have requested a stop work order for the 110 E. Ogden project. The Village said we wouldn't do that because the issue was with the south lot line, and we assured them that the owner could build without touching the south lot line. A Certificate of Occupancy would not be issued until there was satisfaction with a new landscape plan for the south lot line that abuts Staver's property

President Cauley had hoped that a landscape plan would be agreed upon by the neighbors and the owner before the Board meeting on October 18, otherwise the matter would be brought to the Board at that meeting. Saturday morning, he received an email from Mr. Staver stating that shrubbery was being installed on the 110 property. Director of Community Development Robb McGinnis was told by the general contractor for the project that nothing was being planted there, it was just being cleaned up to prepare for planting. The Police were dispatched to the site and told by the landscaper that they were not doing landscaping work, just pulling weeds and cleaning. However, it appeared to the officer that the bushes were different than what was there before, and appeared to be freshly planted.

President Cauley said he thought it was crystal clear that there was to be no planting on the south lot line. He would like an explanation for why trees were planted on the south line, putting the Village and others in a bad position. The Staverts had screening from Ogden Avenue, now there is a two-story building, and no matter whose property it was, the approved site plan assumed the trees were staying.

**Mr. Patrick Walsh**, attorney representing Dr. Hartman, addressed the Board. He thinks the Village only has one side of the story. President Cauley interrupted and asked if he understood there was nothing to be done on the south lot line. Mr. Walsh said there is a lot to unpack here, and there is an approved plan. President Cauley disagreed. Discussion followed regarding the activity on Saturday. Mr. Walsh believes there should be a meeting to discuss this matter. President Cauley said on October 18, there will be a landscape plan for the Board to review, they will agree or disagree or make changes, but the occupancy permit will be conditioned on the landscape plan. He agreed to meet with Mr. Walsh. Mr. Walsh said they have been working on the landscape plan, and have been sourcing taller arborvitae. They are not done planting on the south lot line, but it is October already. President Cauley would like this resolved at the next meeting one way or the other.

**Dr. Cara Hartman**, property owner, addressed the Board and explained the changes on Saturday were to replace the existing 8' foot arborvitae with 10' foot arborvitae. They also plan to add 17' foot river birches, but she pointed out that there is a space issue in this area. She believes what was done far exceeded what was there. Nothing new was planted on Saturday, but what was there was replaced.

President Cauley reiterated his concerns about the activity and planting on Saturday, and the angst this caused for the neighbors to see trees being planted when they had been assured by the Village this would not happen.

Dr. Hartman said she appreciates that, but wants the Board to understand their need to get this project finished. She explained that this was a vacant property for 10 years, and they have invested \$4,000,000 from a commercial loan covered by the bank. The timing of the Village is untimely for the draw period for this loan, and for planting. There was poison ivy and poison oak growing along the south lot line that would have been dangerous for anyone visiting the property. She acknowledged that there was one 3" inch diameter tree back there, but it did not provide screening in the winter months. She fully intends to restore the view. She is asking that the Board please understand what they have done with this property and their concerns about Illinois weather, and available nursery stock. She does not know whether a Certificate of Occupancy can be withheld for landscaping, but if this needs to be determined in the Circuit Court of Wheaton, they are prepared to do so. President Cauley said he is happy to meet any night next week to talk about plans.

Trustee Stifflear is of the opinion perhaps there was a certain level of tree that needed to be installed to replace the one that was removed from the neighbor's property. However, he does not think the Village should be determining whether someone trespassed on someone else's property and removed a tree. That should be decided in Wheaton, and to interfere creates misguided expectations of certain parties. He will have the mindset when this comes before him of what was there before, and what do we apply to other applicants in these cases. President Cauley does not think it is relevant whose property the trees were on, but it is relevant that it was understood the existing landscaping would be maintained. Trustee Stifflear explained that only certain sized trees are considered material, the site plan will indicate if something was removed that was a legitimate tree, and it should be replaced. A specific breach should be remedied.

Trustee Fisher asked about a planting schedule and deadlines. Dr. Hartman replied she is not sure of an exact schedule if the Board decides on October 18 that 13 10' foot arborvitae and three 17' foot river birches are reasonable, however, these trees are reserved at the nursery and ready to plant. She understands planting season ends on November 1.

**Ms. Kelly Staver of 115 Fuller Road**, responded to the remarks of Dr. Hartman taking issue with Dr. Hartman's assertion there are problems with timing. She said a letter was sent to the contractor

and owner on March 30, 2022 stating they needed to apply for a major adjustment, but they did not submit one. She also disagreed with Dr. Hartman's statement the new landscaping is better than what was there before. She said a one-story building was better, and that they did not attend early meetings because they weren't worried about a two-story building because of the existing trees. She also expressed concern about parking lot lights shining into her children's bedroom. She is requesting 'screenage' that touches.

President Cauley said this matter will be continued to October 18, and he will meet with the residents and the owner in the meantime.

## FIRST READINGS – INTRODUCTION

### Zoning & Public Safety (Chair Stifflear)

- a) **Approve an Intergovernmental Agreement (IGA) with the Illinois Department of Health and Family Services (IDHFS) regarding participation in the Ground Emergency Medical Transport program (GEMT); and Amend an Ordinance Amending Section 4-1-9 (Ambulance and Life Support Services Fees in Title 4 (Health and Sanitation), Chapter 1 (General Health Regulations), of the Village Code of Hinsdale Relative to Ambulance and Life Support Services Fees**

Trustee Stifflear introduced the item explaining that, currently, ambulatory services are billed on a case by case basis. Approximately 55% of these are Medicaid cases reimbursed by the State. In 2019, the Illinois General Assembly passed a bill that will provide for Federal funds for unrecovered costs associated with transports. In order for Hinsdale to participate in this program, we need to enter into an Intergovernmental Agreement (IGA) with the Illinois Department of Health and Family Services (IDHFS), and submit an annual cost report. This report will be used to determine the cost of ambulatory services per call. This is anticipated to be between \$2,000 and \$3,500, consistent with other communities. This will allow the Village to collect between \$80,000 and \$104,000 more in ambulance related costs.

President Cauley pointed out the bottom line is the Village will get paid more, and residents will not bear the cost. It was noted that the cost of service is evaluated every year, so these revenues will fluctuate.

The Board agreed to move this to the Consent Agenda of their next meeting.

- b) **Approve an Ordinance Approving an Exterior Appearance and Site Plan to Allow for Second Floor Window Replacement on an Existing Building – 18 E. Hinsdale Avenue – Zazu Salon & Day Spa**

Trustee Stifflear introduced the item to allow for second floor window replacement at Zazu. The property is located in the B2 district as are all surrounding properties. The building is a contributing structure in the Downtown Historic District. The applicant is asking to replace 10 second floor windows. He noted that the existing windows are not original. They are proposing to install black aluminum windows. This matter was discussed by the Historic Preservation Commission on September 7 and the Plan Commission on September 14. At both meetings discussions were primarily around the color of the windows. Both groups felt white would be more conforming to the historic nature of the building, but all ultimately decided the black windows would be acceptable. The HPC and the Plan Commission voted unanimously to recommend Board approval of the proposal.

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

**c) Approve an Ordinance Approving an Exterior Appearance and Site Plan to Allow for Changes to the Exterior Façade of an Existing Building – 35 E. First Street – Fuller House**

Trustee Stifflear introduced the item for changes to the exterior façade of Fuller House. The property is located in the B2 District, and is surrounded by B2 properties. It is also a contributing structure in the Downtown Historic District.

The applicant originally requested painting the brick white, but after recommendations from the Historic Preservation Commission and Plan Commission, they have agreed to leave the original brick untouched. They are still seeking approval to replace five lights on the second floor with wall sconces, to cover the existing stone band above the store front with reclaimed wood, install three wood planter boxes along the perimeter of the recessed storefront alcove and along the property line to the sidewalk, and paint the floor in the alcove grey. The HPC and the Plan Commission voted unanimously to recommend Board approval of the proposal.

**Ms. Patricia Vlahos**, owner, explained the alcove is outside, but on private property. The purpose of painting the floor is to disguise the wear and tear of traffic, and to create a less slippery surface. She noted it would be painted a neutral color.

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

## **CONSENT AGENDA**

### **Administration & Community Affairs (Chair Posthuma)**

- a) Trustee Fisher moved to **Approve payment of the accounts payable for the period of September 10, 2022 through September 28, 2022 in the aggregate amount of \$741,426.75 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 Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

*The following items were approved by omnibus vote:*

### **Environment & Public Services (Chair Byrnes)**

- b) **Award year three of contract #1673 for holiday lighting & decorating to McFarlane Douglass & Companies, in the amount of \$32,535 (First Reading – September 20, 2022)**
- c) **Award Bid #1690 – Well #2 Inspection and Repair to Municipal Well & Pump, in the amount of \$104,545 (First Reading – September 20, 2022)**
- d) **Award the 2022 Crack Sealing Program to Denler, Inc. of Joliet, IL in the amount not to exceed \$40,000**

**Zoning & Public Safety (Chair Stifflear)**

- e) **Approve an Ordinance Amending Section 6-12-3 ('Schedule B; Two-way Stop Intersections') and (Schedule D; Four-way Stop Intersections") of the Village Code of Hinsdale** *(First Reading – September 20, 2022)*
- f) **Approve Payment to T-2 Systems, Indianapolis, Indiana in an amount not to exceed \$24,908.38 for citation management software** *(First Reading – September 20, 2022)*

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

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

**SECOND READINGS / NON-CONSENT AGENDA – ADOPTION**

**Administration & Community Affairs (Chair Posthuma)**

- a) **Approve a Resolution Supporting Continued Efforts to Resolve Public Safety Concerns with the SAFE-T Act**

President Cauley read the Resolution into the record. The Board had no further questions or concerns.

Trustee Byrnes moved to **Approve a Resolution Supporting Continued Efforts to Resolve Public Safety Concerns with the SAFE-T Act.** Trustee Fisher seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

- b) **Approve a Resolution Approving and Authorizing Execution of a Lease of Office/Distribution Space at 22 N. Elm Street between HCS Family Services and the Village of Hinsdale, Illinois** *(First Reading – October 5, 2021)*

President Cauley introduced the item for the food pantry that shares the Memorial Building with the Village. The first reading in October 2021 indicated the Board did not think a parking lot on the north side of the building was advisable as it would impinge on park land. The fix is parking along the street on Elm, where the Village will install a sidewalk. He believes this is a win-win for HCS and the Village, and will alleviate the current parking issues for the library. If the Village wanted the building sometime in the future, we would have to find another facility for them. This is a 10 year lease, with three additional five year terms. They

will pay no rent, the Village will pay the utilities. They will pay for upgrades to the building, and the Village will waive permit fees. The Village will install a sidewalk, and do exterior maintenance. HCS will shovel the sidewalk.

**Ms. Susann Oakum of 231 N. Park** addressed the Board as both a volunteer for HCS and a neighbor of the new location. She thinks it's a great idea, will be more efficient, and will enhance our neighborhood.

President Cauley thanked all parties for their cooperation and patience during negotiation of this lease.

Trustee Stifflear moved to **Approve a Resolution Approving and Authorizing Execution of a Lease of Office/Distribution Space at 22 N. Elm Street between HCS Family Services and the Village of Hinsdale, Illinois.** Trustee Banke seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

#### **Zoning & Public Safety (Chair Stifflear)**

- c) **Approve an Ordinance Amending Various Sections in Title 6 (Motor Vehicles and Traffic), Chapter 6 (Stopping, Standing and Parking) of the Village Code of Hinsdale Relative to Parking** (*First Reading – September 20, 2022*)

Trustee Stifflear introduced the item that is in response to changed commuter patterns as a result of the pandemic, and more people working at home certain days of the week. He recapped the changes the Village is making as outlined fully at the first reading of the item on September 20 and as a discussion item on September 6. With respect to the conversion of 56 spaces at the Robbins Park parking lot to Hinsdale Central student parking, the Board agreed to phase this in at 33% per semester until complete.

Discussion followed regarding the use of an app for payment, but Assistant Village Manager Brad Bloom offered that paying by text is easy and more efficient. This process will be publicized to make it easy for users to find. Police Chief King added that it will effective when the vendor provides appropriate signage.

Trustee Byrnes commented there is a concern about technology and older residents. President Cauley agreed, but added he does not know the solution.

Trustee Stifflear moved to **Approve an Ordinance Amending Various Sections in Title 6 (Motor Vehicles and Traffic), Chapter 6 (Stopping, Standing and Parking) of the Village Code of Hinsdale Relative to Parking.** Trustee Banke seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

d) **Approve an Ordinance Amending Section 6-12-3 (“Schedule B; Two-way Stop Intersections”) and 6-12-4 (“Schedule IV; Yield Right-of-way Streets”) of the Village Code of Hinsdale** *(First Reading – September 20, 2022)*

Trustee Stifflear introduced the item that pertains to control devices at intersections, and clarified that in 2021 the Board approved two-way stop signs at Bruner and Hickory with the stop signs installed east and west on Hickory. However, due to a private driveway on Hickory, Public Services staff installed the two stop signs on Bruner instead. The Police Department believes the limited traffic at this intersection provides for some flexibility. This ordinance memorializes how this intersection has been operating since last year.

Trustee Stifflear moved to **Approve an Ordinance Amending Section 6-12-3 (“Schedule B; Two-way Stop Intersections”) and 6-12-4 (“Schedule IV; Yield Right-of-way Streets”) of the Village Code of Hinsdale**. Trustee Banke seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

#### **DISCUSSION ITEMS**

a) **Tollway update**

There was nothing new to report. President Cauley suggested we no longer need to carry this item as a discussion item moving forward.

#### **DEPARTMENT AND STAFF REPORTS**

a) **Community Development**

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.

#### **CITIZENS’ PETITIONS**

None.

#### **TRUSTEE COMMENTS**

None.



## ADJOURNMENT

There being no further business before the Board, President Cauley asked for a motion to adjourn to closed session. Trustee Stifflear moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of October 4, 2022 into Closed Session under 5 ILCS 120/2(c)(8) security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property, and 5ILCS/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 Banke seconded the motion.

**AYES:** Trustees Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Trustee Posthuma

Motion carried.

Meeting adjourned at 8:14 p.m.

ATTEST: \_\_\_\_\_  
Christine M. Bruton, Village Clerk