

**VILLAGE OF HINSDALE  
VILLAGE BOARD OF TRUSTEES  
MINUTES OF THE REGULAR MEETING  
October 18, 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 7:02 p.m., roll call was taken.

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

Absent: None

Also Present: Village Manager Kathleen A. Gargano, Village Attorney Michael Marrs, Assistant Village Manager/Director of Public Safety Brad Bloom, Assistant Village Manager Andrianna Peterson, Police Chief Brian King, Fire Chief John Giannelli, Director of Community Development Robb McGinnis, Village Planner Bethany Salmon, and Village Clerk Christine Bruton

Present electronically: HR Director Tracy McLaughlin and Superintendent of Parks & Recreation Mike Hayes

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

a) **Regular Meeting of October 4, 2022**

Trustee Banke moved to **approve the minutes of the regular meeting of October 4, 2022, as presented.** Trustee Byrnes seconded the motion.

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

**NAYS:** None

**ABSTAIN:** Trustee Posthuma

**ABSENT:** None

Motion carried.

b) **Approve a Resolution Approving the Release of Certain Closed Session Meeting Minutes and Destruction of Certain Closed Session Meeting Recordings of the Board of Trustees of the Village of Hinsdale**

Trustee Posthuma moved to **Approve a Resolution Approving the Release of Certain Closed Session Meeting Minutes and Destruction of Certain Closed Session Meeting Recordings of the Board of Trustees of the Village of Hinsdale.** Trustee Banke seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

### **VILLAGE PRESIDENT’S REPORT**

President Cauley reported that the BNSF Railroad will close the Monroe Street crossing on October 19 through October 21 for emergency repairs. Construction signage will indicate detours. The Fall Leaf Pick-up Program will begin the week of October 31 and continue through the week of December 5. He reminded residents not to blow or rake leaves in to the street as it causes issues with storm water drainage. He noted more information was available on the Village website. He congratulated Trustee Fisher for being on the cover of Hinsdale Living Magazine.

### **CITIZENS’ PETITIONS**

None.

### **FIRST READINGS – INTRODUCTION**

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

- a) **Approve a Resolution Determining the Estimated Village of Hinsdale Real Estate Tax Levy for Year 2022 in the amount of \$11,750,033**

Trustee Posthuma introduced the item for the property tax levy. He noted that real estate taxes are the largest source of Village revenue, constituting 10% of a resident’s tax bill. The CPI is 7%, and capped at 5%. He highlighted the various numbers that comprise the proposed Village tax levy amount of \$8,212,001, including Police & Firefighters’ pensions, special recreation and debt service. The total levied also includes the anticipated library levy. Discussion followed regarding the 5% tax cap.

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

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

- b) **Waive the competitive bidding process and award a contract to Beverly Companies for contracted snow removal and salting of Brush Hill Train Station and Highland Train Station in the amount of \$44,720**

Trustee Byrnes introduced the item and explained that normally Public Services staff plows and salts these areas, but currently are short two drivers and recent hires are not licensed to operate a plow truck. Therefore, staff is recommending the Village outsource the work with the same company that does the parking deck, and similar work for Clarendon Hills. This contract is for the 2022-2023 season only in the hopes that the Public Services department will be fully staffed by next year. Employee payroll savings will cover the unbudgeted amount of this contract. Director of Public Services George Peluso explained we did not go out to bid because this was an addition to the snow plowing they do at the deck. Additionally, BNSF has certain requirements some vendors couldn’t meet, and benchmark costs were comparable to Clarendon Hills.

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

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

- c) **Approve an Ordinance Approving an Exterior Appearance Plan and Site Plan to Allow for Changes to the Exterior Façade of an Existing Building – 36 S. Washington Street & 4 W. Hinsdale Avenue – Airoom**

Trustee Stifflear introduced the item for 36 S. Washington Street that is the old Blue Iris business, and the tenant space around the corner at 4 W. Hinsdale Avenue. Both are located in the B2 Central Business District. The first floor space on Washington will be a design and retail showroom, the Hinsdale Avenue space will be used for offices. This matter has been before the Historic Preservation Commission (HPC) and the Plan Commission twice. The HPC did not recommend the first time, and the Plan Commission sent it back to the HPC because of concerns with the storefront design. They felt it had a modern appearance not consistent with the Colonial design of the area. The applicant revised the plan, and both Commissions supported the revised plans. However, they recommended the entrance door be recessed 3' feet so that when it swings open it does not encroach the sidewalk, and will fit better with other historic buildings. Trustee Stifflear noted the HPC and the Plan Commission have not reviewed the plans for the recess, but they were reviewed by HPC Chairman John Bohnen and Plan Commission Chairman Steve Cashman, who signed off on the changes noting it was an improvement. He clarified that Plan Commission and HPC recommendations were contingent on the recess.

**Mr. Mike Klein, representing Airoom**, addressed the Board. He agreed to forgo the design plan without the recess, and build a recess as recommended. The Board had no additional questions. Village Planner Bethany Salmon explained that the Plan Commission had approved the signage, but they were holding off on fabrication until the recess was officially before the Board.

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

Trustee Stifflear remarked the Plan Commission and HPC are doing a good job with our downtown making properties be more reflective of the historic nature of the town.

## CONSENT AGENDA

### Administration & Community Affairs (Chair Posthuma)

- a) Trustee Haarlow moved to **Approve payment of the accounts payable for the period of September 29, 2022 through October 12, 2022 in the aggregate amount of \$1,438,827.03 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, Haarlow, Stifflear, Fisher, Byrnes, Banke

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

*The following items were approved by omnibus vote:*

### Environment & Public Services (Chair Byrnes)

- b) **Award the 2022 50/50 Sidewalk Program to Suburban Concrete in an amount not to exceed \$132,500**

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

- c) **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 (First Reading – October 4, 2022)**

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

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

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

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

- a) **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 (First Reading – October 4, 2022)**

Trustee Stifflear introduced the item to replace the second floor windows at Zazu. There was discussion at the Historic Preservation Commission and the Plan Commission regarding whether the windows should be black or white. They agreed the proposed black windows were acceptable, and both Commissions unanimously recommended Board approval.

Trustee Stifflear moved to **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 Fisher seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

- b) **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 (First Reading – October 4, 2022)**

Trustee Stifflear introduced the item for proposed changes to the façade of Fuller House. With the exception of painting the brick, the Historic Preservation Commission and the Plan Commission unanimously recommended Board approval. The applicant agreed not to paint the brick.

Trustee Stifflear moved to **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 Byrnes seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

c) **Waive the First Reading and Approve An Ordinance Approving a Second Major Adjustment to an Exterior Appearance and Site Plan – Dr. VanWormer-Hartman – 110 E. Ogden Avenue**

President Cauley introduced the item noting that at the last meeting of the Village Board the landscaping on the south property line at 110 E. Ogden Avenue was discussed. The landscape plan that was originally approved assumed the existing trees would remain, but they were subsequently removed. The Stavers claimed the trees were on their property, the 110 owner claimed the trees were on their property. This is not an issue for the Village, but a matter for the property owners to resolve. However, what is relative to the Village Board is that the existing landscaping was to remain in place and be supplemented by additional landscaping. The Stavers correctly claim those trees provided screening from the 110 property, particularly when the trees were in leaf. For the past year this issue has been the subject of dispute, and has remained unresolved as to the volume and type of landscaping. President Cauley said he has been advised that planting season ends November 1, and if the landscaping is to be planted this year, the Board needs to resolve this issue this evening. The Board had assured the Stavers that 110 E. Ogden would not receive an occupancy permit until this issue was resolved, and after speaking with staff, it was clear that there was bad blood between the parties, and it was acknowledged getting together would be unproductive.

The Village has received several emails from the Stavers going back several months indicating what they want planted. They have also appeared before the Zoning Board of Appeals, and President Cauley has met with Mr. Staver. The Stavers have consistently demanded a 15' foot wall of arborvitae along the south property line that would grow to 20 or 25 feet.

President Cauley said he asked two independent landscapers who work in Hinsdale to visit the site and propose landscaping plans for the area that include 15' foot arborvitae. These plans were presented to the 110 owner and her contractor and counsel, and they were told this is what was expected to meet the Stavers demand for a wall of 15' foot arborvitae. Last Friday afternoon, October 14, a new plan was submitted to the Village by 110 E. Ogden that generally conformed to the independent landscapers plans, and included the required row of arborvitae. The new landscape plan was immediately sent to the Stavers and other neighbors. The matter was included on tonight's agenda, so this can be resolved and the landscaping can be planted. Village Attorney Michael Marrs had advised the Board it can waive whatever procedural steps that would usually be followed for a major adjustment to get these trees planted, and the Board can move tonight to approve the plan. This will provide the Stavers with some screening this winter, and will allow the trees to grow next spring, which is the principal time for tree growth.

With the help of a slide presentation, President Cauley illustrated the landscape plan that was approved in May 2021 and included seven arborvitae at 7" feet tall, and 4 Douglas Fir trees at 9' feet tall. The proposed plan before the Board tonight includes 21 arborvitae at 15' feet tall and two Douglas Firs at 9' feet tall. He pointed out this is three times the number of trees in the

original approved plan, and the trees are more than twice as tall as originally required. Additionally, he made note of the fact that the Village code clearly states required screening is 6' feet tall. The proposed plan goes above and beyond the code requirements, and the approved plan from 2021.

President Cauley congratulated the owner of 110 E. Ogden for meeting with him, looking at plans and agreeing to do this. It is his hope they can open their business, and we can be done with it.

**Mr. Pat Walsh, attorney representing Dr. Hartman**, addressed the Board stating President Cauley has accurately set forth the contents of the new proposal, and agreed Dr. Hartman has gone above and beyond what is required. He said it was good they had met with President Cauley, and they hope to get the business open soon. He explained their contractor, Mr. Mike Zalud, was able to source the trees from a farm in Plainfield, and they are actually a little bigger than what is proposed.

**Mr. Jared Staver of 115 Fuller Road**, addressed the Board stating that for the record he objects to this matter being rushed through the process. He believes the Board has violated the Open Meetings Act, because the documents associated with this item were not included on the website on Friday. He contends that Page 5 of the application is missing from what was provided to him on Friday, which is the attestation that notice and packet was sent via certified mail to surrounding neighbors. He also believes the Village requires a major adjustment go to the Plan Commission first, and then to the Board where there is a first reading open for public comment, and then a second reading. He asked why this is being skipped, as there is no emergency here. He referenced the March 2022 letter from Director of Community Development Robb McGinnis informing the 110 owner that a major adjustment was required to resolve these issues along the south property line prior to the issuance of a Certificate of Occupancy.

In June 2022, he came before the Board and requested a stop work order until the 110 owners filed a major adjustment, and he was assured that a Certificate of Occupancy would not be issued until a plan that was acceptable to the neighbors was produced. That was not done, and has yet to be done. At 8:35 p.m. last Friday, October 14, Village Manager Kathleen Gargano emailed the application to him, he reviewed it, and immediately emailed President Cauley that the plan was unacceptable. Mr. Staver said Dr. Hartman created this mess, she lied to the Board, and she clear cut the trees. He said there is absolutely no emergency to ram this through and forgo Village requirements. They expect the Village to live up to their assurances until neighbors have had enough time to review the plan to determine if it is suitable for all residents of Fuller Road. This new plan is no different from the original plan except the trees are taller. Mr. Staver said they want a second row of potentially 8-10 maple or elm trees, as he believes this will give them some semblance of what they had.

He said that lighting at 110 E. Ogden is now a problem because of the trees that are gone. If the parking lot lights are not moved they will shine into his son's bedrooms. This should go back to the Plan Commission for review. If the Board elects to proceed they do so at their own peril, and if they proceed, they may all be back here later. He asked the Board to follow due process, adhere to the code and the Open Meetings Act. Mr. Staver stated he had a video he would like to show. President Cauley declined the request stating the Board has already seen the video. He does not think it is necessary to spend the time watching it again.

**Ms. Kelly Staver** reiterated her husband's statements that the Board promised they would be allowed to agree to the landscape plan as long as it is reasonable, and they do not think it is reasonable. They also want a few maple trees planted. She said it is not fair that the Board is pushing this through without their agreement to the plan, as promised.

**Mr. Michael Kuhn of 117 Fuller Road**, reminded the Board that Land Rover had proposed using the 110 property to park their cars, which the Board denied, but they are still parking there. President Cauley said he doesn't know anything about cars being parked there. Mr. Kuhn said

they are, and it's a double whammy for neighbors. However, when the Land Rover business was presenting their plans, they were held to a standard that required a fence, no lights, and a wall. They are asking for the same consideration those neighbors got.

Village Attorney Michael Marrs confirmed that the Board can waive process. Further, the Open Meetings Act only requires the posting of an agenda 48 hours before a meeting, it does not require that every piece of paper must be publically available. In this case, the application came in late in the afternoon, and the Ordinance was not complete. There are no mailing requirements for major adjustments, however, the Village did provide notice because they said they would, but the applicant is not legally required to do so. As far as going back to the Plan Commission, if the major adjustment is in substantial conformity with the original plan, the Board can determine not to send the matter back to the Plan Commission.

President Cauley said that in the February 16, 2022 approved minutes of the Zoning Board of Appeals (ZBA), Member Podliska 'suggested all parties look at the pool screening at Garfield and Minneola as an example of adequate screening. Mr. Staver said he is familiar with this screening, and agreed it would be acceptable'. The August 17, 2022 approved ZBA minutes state 'Mrs. Staver said they are asking for 15-20' foot tall plantings, but they won't be picky as long as they provide screening'. In a June 25, 2022 email from Mrs. Staver to the Village states they are requiring at a minimum 'a row of trees that are touching when planted...at a minimum of 15-20' feet tall'. In an August 9, 2022 email to the Village, Mrs. Staver stated they have been willing to meet with the owner, but if they are unwilling, they have made it very clear they 'want a wall of privacy trees planted along the entire South lot line at a minimum of 15-20' feet and for it to be maintained. We are not specifying the species of tree to allow them any option as long as it provides a privacy wall'.

President Cauley said the Board would agree to what is reasonable, and he thinks 21 15' foot arborvitae is more than reasonable. Mrs. Staver disagreed, and directed the Board to the ZBA appeal that describes the retribution sought that includes a row of arborvitae and a second row of maple trees.

Trustee Stifflear commented he supports this proposal, and believes the Stavers will be fully shielded with a touching row of arborvitae. This is more than reasonable.

Trustee Stifflear moved to **Waive the filing deadline for an application, waive the required fees for an application, and Waive the First Reading and Approve An Ordinance Approving a Second Major Adjustment to an Exterior Appearance and Site Plan – Dr. VanWormer-Hartman – 110 E. Ogden Avenue.** Trustee Banke seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

## DISCUSSION ITEMS

None.

## DEPARTMENT AND STAFF REPORTS

None.

**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. Trustee Banke moved to **adjourn the regularly scheduled meeting of the Hinsdale Village Board of Trustees of October 18, 2022**. Trustee Byrnes seconded the motion.

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 7:56 p.m.

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