

**VILLAGE OF HINCKLEY  
PUBLIC HEARING & ZONING BOARD OF APPEALS MEETING MINUTES  
APRIL 01, 2019**

**CALL TO ORDER:** The Public Hearing was called to order by Chairman Russ Kula at 7:00 PM.

**Present:** Chairman Russ Kula, Commissioners Joan Umamo, Gerald Bahl, Rodney Davis, and Danielle Marion. Quorum Established.

**Absent:** Joe Edmeier.

**Also Present:** Village Clerk Elizabeth Losiniecki, Village Attorney Kristine Gibbons, and Petitioner Abigail Myers.

**PLEDGE OF ALLEGIANCE:** The pledge to the flag was recited.

**Agenda item for Discussion/Approval:** Approval of Agenda  
Commissioner Bahl moved to approve the agenda as presented and Joan Umamo seconded the motion. Voice vote: all in favor.

**Agenda item for Discussion/Approval:** March 4, 2019 Planning Commission Meeting Minutes  
Commissioners Umamo and Marion questioned the version of the minutes provided for approval. Village Clerk Losiniecki noted that the version provided in the meeting packet was incorrect. Chairman Kula asked to table the approval of the minutes until the next meeting. Voice vote: all in favor.

**Public Comment (on non-agenda items)**

Petitioner Abigail Myers thanked the members for all of their patience and assistance thus far.

- a. Amendment to appendix A of the Village Code of Ordinances – “Zoning Code”, Article 2 – Rules and Definitions, Subsection C “Definitions” to include a definition of “Mobile Food Vendor”
  - i. Open Hearing - Chairman Kula opened the Public Hearing. Village Attorney, Kristine Gibbons was sworn in acting as “Village Staff – Zoning Official”.
  - ii. Comments from Village Staff - Attorney Gibbons provided an explanation of the “mobile food vendor” definition. She stated that the word “beverage” had been added to the previously approved definition. A brief discussion followed regarding whether or not the addition of “beverage” was necessary as the word “food” is commonly inclusive of beverages. Chairman Kula and Commissioner Bahl were in support of the addition.
  - iii. Applicant Comments – Ms. Myers stated that she was in agreement with the addition of the word “beverage” to the definition.

- iv. Public Comment – Resident John McFarland asked if “non-alcoholic” should be added to the definition.
  - v. Close Hearing
  - vi. Questions and Comments from ZBA Members - Member Bahl stated that a liquor licenses issued by the State and the Village are required prior to being able to sell liquor. Resident Larry Menz stated that “non-alcoholic” should be added to the definition because many mobile food vendors are in town for a short period of time. Discussion followed regarding liquor licenses, food trucks, outdoor festivals, health department regulations, and police monitoring. Members agreed that the mobile food vendor definition, as presented, was acceptable.
  - vii. Action for Recommendation of ZBA – Joan Umano moved to recommend for approval the amendment to appendix A of the Village Code of Ordinances – “Zoning Code”, Article 2 – Rules and Definitions, Subsection C “Definitions” to include a definition of “Mobile Food Vendor”. Member Bahl seconded the motion. Roll call vote: Bahl-Aye, Davis-Aye, Marion-Aye, Umano-Aye, Kula-Aye. Motion carried.
- b. Amendments to Appendix A of the Village Code of Ordinances – “Zoning Code”, Article 5- “Zoning Districts and Boundaries”, Section H- “District Lot Regulations”, Subsection 4 of the Use Table- “Food Service Uses” to add “Mobile Food Vendor” as a permitted use in the B-1, B-2, B-3 and I-1 zoning districts.
- i. Open Hearing – Chairman Kula asked Attorney Gibbons if she was still under oath and received an affirmative response.
  - ii. Comments from Village Staff – Attorney Gibbons stated that the petitioner seeks to have “mobile food vendor” definition (approved earlier) added as an allowable use in all business districts (B-1, B-2, B-3) and I-1 (industrial).
  - iii. Applicant comments – Ms. Myers asked a question regarding “use tables” and Attorney Gibbons explained that a “use table” is a part of the code of ordinances that shows allowable uses in each zoning district.
  - iv. Public Comment – None.
  - v. Close Hearing – The Public Hearing portion of the meeting was closed.
  - vi. Questions and Comments from ZBA members – None.
  - vii. Action for Recommendation of ZBA – Chairman Kula recommended for approval the amendments to Appendix A of the Village Code of Ordinances – “Zoning Code”, Article 5- “Zoning Districts and Boundaries”, Section H- “District Lot Regulations”, Subsection 4 of the Use Table- “Food Service Uses” to add “Mobile Food Vendor” as a permitted use

in the B-1, B-2, B-3, and I-1 zoning districts. Roll call vote: Bahl-Aye, Davis-Aye, Marion-Aye, Umano-Aye, Kula-Aye. Motion carried.

8. A request for the following amendment to the Village of Hinckley Code of Ordinances:
  - a. Ordinance of the Village of Hinckley Amending Chapter 58, Peddlers, Solicitors, Canvassers and Itinerant Merchants, Creating New Article III – “Mobile Food Vendors”.

Attorney Gibbons confirmed that she was still under oath. She explained that this ordinance is derived from a compilation of ordinances from other, similar, municipalities that the members had submitted and discussed previously. She stated that she will change the word “drink” to “beverage”. Lengthy discussion followed regarding the requirements for permit, licensing fees, permit duration, and public vs. private property. Consensus was reached for no fee for the mobile food vendor permit. Attorney Gibbons stated that she would make the necessary changes.

Consensus agreement reached for all mobile food vendor permits to have a one year duration.

Jerry Bahl asked if the terms “permit” and “license” are interchangeable and Attorney Gibbons stated that they are. Joan Umano stated that DeKalb County uses “permit”. Consensus agreement to use the word “permit”. Attorney Gibbons stated that she would make the change.

Discussion regarding outdoor table and chairs; number and location. Members agreed to allow as long as they do not impede the flow of traffic or pose a public risk.

Members agreed to change section 58.44 Signs to remove the statement that the Village Clerk will sign the permit and to instead state that the permit application will be submitted to the building inspector for approval.

Discussion followed regarding redundant requirements that are already reviewed/inspected by the Health Department. Consensus agreement to remove sections 58.45 – 58.57.

Attorney Gibbons noted that she will need to verify the section numbers once the changes are made.

Chairman Kula moved to recommend that the Board of Trustees approve the Ordinance for Mobile Food Vendors with the amendments discussed at the Public Hearing. Joan Umano seconded the motion. Roll call vote: Bahl-Aye, Davis-Aye, Marion-Aye, Umano-Aye, Kula-Aye. Motion carried.

Chairman Kula stated that the next meeting is scheduled for May 6, 2019.

**ADJOURNMENT**

Motion: Joan Umano moved to adjourn the meeting at 8:25 PM. Danielle Marion seconded the motion. Voice Vote: All members voted yes. Motion carried.

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Russ Kula, Chairman

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Elizabeth Losiniecki, Village Clerk