

**VILLAGE OF HINSDALE
BOARD OF TRUSTEES
April 1, 2008**

The Hinsdale Village Board of Trustees regularly scheduled meeting was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Tuesday, April 1, 2008 at 7:34 p.m.

Present: President Michael Woerner, Trustees Jean Follett, Cindy Williams, Vic Orler, Michael Smith and Bob Schultz.

Absent: Trustee Tom Cauley

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager Doug Cooper, Director of Public Services George Franco, Director of Parks & Recreation Carrie Hauptert, Director of Community Development Tim Bleuher, Police Chief Brad Bloom and Fire Chief Mike Kelly and Deputy Village Clerk Christine Bruton

Also Present: Christine Martin of the Tribune, Polly Rix of The Hinsdalean, Alexa Jenner with the Suburban Life and Amy Deis representing The Doings.

PLEDGE OF ALLEGIANCE

President Woerner led those in attendance in the recitation of the Pledge of Allegiance.

APPROVAL OF MINUTES

None

CITIZENS' PETITIONS

(Pertaining to Items Appearing on this Agenda)

Mr. Nick Etten, 1214 Hawthorne Lane, expressed his support of the proposed settlement of the Hinsdale litigation, he believes it is a reasonable compromise and is consistent with the desires of a large number of residents. He read an excerpt from a letter that referred to "Tony and Mary Baldwin (as) a guiding and motivational force behind the appeal". He described the original plan, and outlined the problems inherent. He recapped the appeal to the ZBA and the declaratory judgment action of the Village. He outlined the changes to the physical development project, various reductions and modifications to the original plan, stating it was a compromise but a reduction in density that is acceptable.

John Donaker, 1413 Burr Oak Court, commented on the settlement agreement as a resident of Graue Mill and expressed ongoing concerns regarding the Road D issue.

He stated that no Graue Mill Association person was a party to the discussion or settlement, and does not believe the section that pertains to the private Road D are valid as a result.

Nancy Chapa, 318 S. Garfield, offered congratulations to Mr. Etten and noted that after four years she is still a counter defendant in the Garfield case. She expressed disapproval of President Woerners conduct at the last Board meeting and closed session.

Ralph Mueller, 1202 Hawthorne Lane, added his congratulations to the Baldwins and the attorneys who negotiated the agreement. He sees nothing in the agreement that precludes further discussion on the ultimate ownership of Road D. The agreement deals only with repair and maintenance and traffic control. He supports the agreement as it stands.

VILLAGE PRESIDENT'S REPORT

President Woerner reported that a year ago he began looking for someone to be in charge of the Fourth of July parade. He introduced Mrs. Alice Mansell, who volunteered to chair a committee to work on the parade. Mrs. Mansell addressed the Board stating that she loves the parade, but thinks it has deteriorated over the years as it has lost bands and floats and gained more politicians. She chose her committee and is working with Parks & Recreation Director Carrie Hauptert. Her committee has input as to the content of the Parade, but it is still run by Parks and Recreation. The main thrust is patriotism and the theme of the parade will be 'Your Grand Ol' Flag'. She said they have already recruited more floats and bands, they don't want people just to walk along in the parade, and requirements have been developed. They intend to shorten and condense parade; quality not quantity.

President Woerner surprised Mrs. Mansell and asked her to be this year's Grand Marshall. Major Andres will ride with her.

CONSENT AGENDA

Items Recommended by the Zoning & Public Safety Committee

Item #1: Ordinance Amending Section 6-12-4 of the Village Code of Hinsdale to include a Yield Sign for eastbound and westbound Maple Street at Bruner Street (Omnibus vote) (Ord. #2008-14)

Item #2: Case A-04-2008 - Referral to Plan Commission -Text Amendment to Section 5-102-C-26 (Permitted Uses) and 5-105-A-5 (Special Uses) of the Hinsdale Zoning Code to Allow Indoor Live Entertainment as a Permitted Use in the B-1, B-2 and B-3 Business Districts (Omnibus vote)

Item #3 Case A-03-2008 - Referral to Plan Commission –Text Amendment to Section 9-103 (Signs) of the Hinsdale Zoning Code as they relate to all Signage on Awnings in the B-1, B-2 and B-3 Business Districts (Omnibus vote)

Item #4 Affirm Findings & Recommendations in Regards to the Appeal of Property Maintenance Violations at 314 W. Hinsdale Avenue (Omnibus vote)

President Woerner read the consent agenda as presented into the record. Trustee Smith noted he has received emails regarding Item #2 and would like it explained for the benefit of the public. Village Manager Cook explained that the impetus for this change is to reduce red tape for business owners and that it will be annual licensing going forward.

Trustee Orler moved approval of the Consent Agenda as presented. Trustee Williams seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz, Smith

NAYS: None

ABSENT: Trustee Cauley

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Accounts Payable

Trustee Smith reviewed the accounts payable and moved **Approval and Payment of the Accounts Payable for the period of March 7, 2008 through March 28, 2008 in the aggregate amount of \$881,493.42 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Trustee Orler seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz, Smith

NAYS: None

ABSENT: Trustee Cauley

Motion carried.

ZONING AND PUBLIC SAFETY

Trustee Smith announced that the Ogden Avenue Corridor Task Force will meet next Wednesday, April 9th at 7:00 p.m.

ENVIRONMENT AND PUBLIC SERVICES

No report.

HINSDALE CLUB DEVELOPMENT

President Woerner asked Village Attorney Kenneth Florey to explain the Hinsdale Club Development items. Mr. Florey briefly outlined each of the three items before the Board and noted that they are the result of extensive negotiations. President Woerner asked for comments from the Board, there was none.

Mr. Bruce Goldsmith, attorney for the developer, addressed the Board stating that the original project was fully vetted, extensive consideration, discussion and feedback. During the litigation process a consensus was reached with neighbors and community. He described the original scope of the project, and the resultant changes. He clarified that Road D is not controlled by Foxford or any developer in this area and it is beyond the scope of this project to address the dedication of the road. The only issue of this project is maintenance and the Village stepped up. There are many high end features included with the development, attention to architectural detail and landscaping. An older downtown character is the goal. The overall density is reduced and the project meets the DuPage County storm water management requirements providing all underground detention. The hotel is a lower structure and a variety of residential products are included. He believes the Hinsdale Club will serve the Village well into the future.

**Resolution Approving Settlement Agreement
Between the Village of Hinsdale, Certain Residents of the Village and
Foxford, LLC in Regards to a Dispute Pending
in the Circuit Court of DuPage County (R2008-03)**

Trustee Schultz asked about Road D. Attorney Florey said the agreement before the Board addresses maintenance. If dedication is sought, that is an available option, but it is a complicated process. The Village Manager and he will meet with the Homeowners Association to proceed to ultimate dedication. Trustee Smith asked if previous approvals should be rescinded. Mr. Florey explained that these approvals would take care of that; the appropriate language is in the ordinance. Trustee Smith said he is still struggling with not going back to the Plan Commission at this point, not to do so seems to conflict with the zoning code in respect to the definition of substantial conformity. Mr. Florey said the item is thoroughly vetted. Trustee Williams noted that there is no 'expedited' Plan Commission procedure. Trustee Follett moved approval of a **Resolution Approving Settlement Agreement Between the Village of Hinsdale, Certain Residents of the Village and Foxford, LLC in Regards to a Dispute Pending in the Circuit Court of DuPage County**. Trustee Williams seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz

NAYS: None
ABSTAIN: Trustee Smith
ABSENT: Trustee Cauley

Motion carried.

**Ordinance Approving Major and Minor Adjustments to the Hinsdale Club
Planned Development Pursuant to Section 11-603
of the Village of Hinsdale Zoning Code (Ord. #2008-15)**

President Woerner introduced the item and Mr. Florey noted that the residents and developers have collectively agreed that this is not objectionable. Trustee Orler moved to approve an **Ordinance Approving Major and Minor Adjustments to the Hinsdale Club Planned Development Pursuant to Section 11-603 of the Village of Hinsdale Zoning Code**. Trustee Williams seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz
NAYS: None
ABSTAIN: Trustee Smith
ABSENT: Trustee Cauley

Motion carried.

**Resolution Approving the Amended and Restated Development Agreement
Between the Village of Hinsdale and Foxford, LLC,
for the Hinsdale Club, a Mixed-Use Development (R2008-04)**

President Woerner introduced the item. Trustee Williams moved to approve a **Resolution Approving the Amended and Restated Development Agreement Between the Village of Hinsdale and Foxford, LLC, for the Hinsdale Club, a Mixed-Use Development**. Trustee Orler seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz
NAYS: None
ABSTAIN: Trustee Smith
ABSENT: Trustee Cauley

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

Trustee Follett reported the CBD, Northtown and Parking Task Force work is coming to close and that there will be a series of public meetings in May to report their findings and ask for public input.

She also reminded everyone that the 80 Year Memorial Hall Celebration will be on July 3rd of this year.

STAFF REPORTS

GFOA Certificate of Achievement for Excellence in Financial Reporting

Village Manager Cook said he was pleased to announce that this is the 14th consecutive year the Village has received this highest honor. Congratulations to Mr. Cooper and his staff.

Hinsdale Named 2007 Tree City USA

Village Manager Cook was also pleased to announce that this is the 15th year the Village of Hinsdale has been named a Tree City USA. He noted the good work of Director of Public Services George Franco and his staff.

Mr. Cook also stated that he has received notice from the Burlington Northern that structural repairs to the Oak Street Bridge are scheduled and detours will be put in place.

Premiere of "Distinctly Hinsdale" Video

President Woerner explained this goes back to May 2005, in order to proceed with the strategic and comprehensive plan; the positioning and identifying attributes of Hinsdale and establishing a brand identity in an effort to achieve an even higher standard. Trustee Orler assumed the task to produce a video to market the Village and the Central Business District. Trustee Orler said it was a large project; Village Strategist Tim Scott and the EDC helped. Fullers, Hinsdale Bank and Trust and Hinsdale Hospital helped fund this project with a total cost of \$18,000.00.

The Distinctly Hinsdale video was shown.

Village Manager Cook said initial thoughts of how to use this piece were to run in on Channel 6 and the Village Website; copies for realtors, and prospective businesses. It is a tool that could be used for a variety of purposes. When it is on the website it will be in downloadable sections. Trustee Orler said there are seven chapters as well as

additional material not in this video, but will also be available. Trustee Williams congratulated Trustee Orler's team for capturing the charm that is Hinsdale.

CITIZENS' PETITIONS (PERTAINING TO ANY VILLAGE ISSUE)

Mr. Kim Angelo, 525 E Third St. is still wondering where budgeted monies not spent on streets and roads went. He expressed his displeasure with the Board's responsiveness to his previously expressed concerns.

Ms. Molly Hughes, 24 S. Oak stated that she is thankful for the vigilant residents who worked to prevent the original version of the Hinsdale Club and read the names of each of the people who filed the appeal. She thanked Foxford and the Village for their cooperation

Mr. Jerry Hughes, 24 S. Oak is concerned about growing abuse of power and patterns of behavior that create a hostile atmosphere. He cited the examples of behavior that encourage these feelings. He thinks it is perilous to speak up and cited the Richard Paine issue. He believes dissent or speaking up is stifled and even elected officials are quieted.

Mr. Bill Haarlow, 112 N. Lincoln pointed out it is nice to see an agreeable resolution to the Hinsdale Club matter and that this is perhaps the best outcome given the circumstances. However, it is unfortunate that Village residents have to organize and fund themselves to prevent developments. He expressed gratitude to the Baldwins and The Ettens, etc. who paid for the result tonight.

Ms. Carol Smith, 425 E Third St. addressed Trustee Follett regarding her comments at the March 11th Board meeting when she asked where Rareland was when all the teardowns were taking place. Ms. Smith said she is responding as an original member of CHART and outlined the activities of this group. She explained the response of the then Board and president which she likened to this Board. She feels the Village is back at a critical stage where housing stock is not at risk, but green space.

Ms. Laurel Haarlow, 112 N. Lincoln Street believes there are too many task forces and committees resulting in too many agendas to monitor. She believes the current administration is overextended and that scads of meetings are a veneer for legitimacy. The residents of Hinsdale would be best served if the Village would get back to basics.

Ms. Nancy Chapa, 318 S Garfield expressed her displeasure regarding President Woerner's tone and demeanor. She recommended www.hinsdaletattler.org for citizens to find out what is going on.

Mr. Bob Neimen, 326 N. Garfield thanked the Board and the developer for the Hinsdale Club resolution. He thinks a better solution would be listening instead of suing.

TRUSTEE COMMENTS

Trustee Smith reiterated his request that the Finance Commission look into the feasibility of a bond issue. President Woerner reported a meeting is scheduled with the Finance chairman this Friday. Trustee Smith asked who the Village road commissioner is. President Woerner said he didn't know and would have to look into it.

President Woerner responded to Jerry Hughes, regarding discussions with Trustee Smith were an attempt to follow Robert's Rules. If anybody wants to have a further discussion this Friday at Off the Vine, please come, we can talk about anything.

Trustee Orler responded to the idea of a bond issue vs. a sales referendum pointing out that residents pay for 100% of a bond as opposed to 1/3 of it with a sales tax referendum and that the Finance Commission's research overwhelmingly supported sales tax vs. property tax. Trustee Smith said he doesn't believe the sales tax referendum will pass. Board discussion followed. Trustee Smith reiterated that he would like the money sooner rather than later.

Trustee Williams echoed that the sales tax referendum is the most important issue moving forward and we need to come together as a Board and educate the residents of Hinsdale by starting with optimism to do something good for the community.

ADJOURNMENT

Trustee Orler moved to **adjourn the meeting to closed session not to reconvene according to 105 ILCS 120/2(c) Sections / (1) Personnel and / (2) Collective Bargaining**. Trustee Schultz seconded the motion.

AYES: Trustees Follett, Orler, Williams, Schultz, Smith

NAYS: None

ABSENT: Trustee Cauley

Motion carried.

Meeting adjourned at 9:42 p.m.

ATTEST: _____
Christine M. Bruton, Deputy Village Clerk