

**VILLAGE OF HINSDALE  
MINUTES OF BOARD OF TRUSTEES  
MEETING  
February 19, 2008**

The Hinsdale Village Board of Trustees meeting was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Tuesday, February 19, 2008 at 7:33 p.m.

Present: President Michael Woerner, Trustees Jean Follett, Tom Cauley, Cindy Williams (arrived at 7:45 p.m.), Vic Orlor, Michael Smith and Bob Schultz.

Absent: None

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

Also Present: Polly Rix of The Hinsdalean, Alexa Jenner of the Suburban Life, Christine Martin from the Tribune 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**

Trustee Follett suggested the addition of a word in the February 5th minutes; so noted by the Deputy Clerk. Trustee Orlor moved **approval of the January 22, 2008 Regular Meeting of the Board of Trustees, the February 5, 2008 Regular Meeting of the Board of Trustees, as amended, and the December 11, 2008 Closed Session minutes.** Trustee Schultz seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Schultz, Smith

**NAYS:** None

**ABSENT:** Trustee Williams

Motion carried.

**CITIZENS' PETITIONS  
(PERTAINING TO ITEMS APPEARING ON THIS AGENDA)**

President Woerner explained that a lot of work has gone into the public comment guidelines on the agenda, he has spoken with other mayors and village presidents and this is the culmination of many ideas and is a work in process. President Woerner read the new portion of the agenda which explains the guidelines for public comment at Village Board meetings.

**Ms. Terry Pastika, attorney with Citizen Advocacy Center, 238 N. York St., Elmhurst,** stated she is from a non-profit community advocacy group protecting 1<sup>st</sup> amendment rights. She explained to the Board that she was contacted by a group of Hinsdale residents to review recent amendments to the public comment policy. She thinks these changes regulate public speech and are an open invitation to a federal lawsuit. Ms. Pastika offered to work with Village officials to revise these policies.

**VILLAGE PRESIDENT'S REPORT**

President Woerner addressed the issue of security at public meetings and noted the changes initiated at tonight's meeting to help to insure the safety of all participants. He stated that these changes were his decision to implement, but the Board will be discussing the issue in the closed session following this meeting.

He referred to the changes in the public comment protocol of Village Board meetings already outlined.

He also commented on inappropriate email, telephone and mail activity, et al. This issue was first brought to his attention about two weeks ago; it is a serious matter, and he doesn't want to minimize the problem. He spoke with Police Chief Bloom and Village Manager Dave Cook as well as other village presidents. He reported that he has been in contact with States' Attorneys office on this matter. He stated that the Village could investigate this matter, but they have no subpoena powers or any authority to enter citizens or trustees homes to gather information. If a Board member really wanted to investigate, he would entertain a motion to do so, but it would have to be all encompassing. However, any citizen can institute an investigation by calling the Dupage County Office of Public Integrity at 630.407.8000. We have been in touch with Mr. Birkett; he is aware of the situation and that citizens might call about this. Chief Bloom has removed himself from any investigation to assure that there would be no conflict of interest problems. The States Attorney's office is the right way to go about this. President Woerner stated it is important for the Village Board to focus on the important work before them—2008 Goals, update master infrastructure plan, District 181 project, finish Forest Preserve Duncan Field negotiations, FOP negotiations, the master storm water plan, etc.

## APPOINTMENTS TO ELECTRICAL COMMISSION

President Woerner introduced the item and asked for a motion to appoint Robert McGinnis as ex officio Chairman of the Electrical Commission and to appoint Michael Kelly and Thomas Gibson to the Electrical Commission, all for terms through April 30, 2011. Trustee Follett moved to **appoint Robert McGinnis, Thomas Gibson and Michael Kelly to the Electrical Commission.** Trustee Schultz seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

## CONSENT AGENDA

### Items Recommended by the Zoning & Public Safety Committee

Item #1: Move to approve an **Ordinance Approving Site Plans and Exterior Appearance Plans for Fence for Play Area at 631 E. Hickory** (Omnibus vote) (Ord. # 2008-09)

### Items Recommended by the Environment & Public Services Committee

Item #2: Move to approve an **Ordinance Approving and Accepting a Plat of Consolidation to Consolidate the Properties Commonly Known as 5549 S. Elm Street and 5553 S. Elm Street in the Village of Hinsdale, County of DuPage** (Omnibus vote) (Ord. #2008-10)

President Woerner read the consent agenda as presented. Trustee Cauley moved **approval of the Consent Agenda as presented.** Trustee Follett seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

## ADMINISTRATION AND COMMUNITY AFFAIRS

Trustee Follett moved **Approval and Payment of the Accounts Payable for the period of February 1, 2008 through February 15, 2008 in the aggregate amount of \$634,564.23 as set forth on the list provided by the Village**

**Treasurer, of which a permanent copy is on file with the Village Clerk.**  
Trustee Schultz seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

**Approve an Ordinance Amending Title 9 (Building Regulations),  
Chapter 12 (Miscellaneous Provisions) of the Village Code of Hinsdale  
to Add a New Section 9-12-6  
(Vacant Retail Commercial Property Display Windows)**

Trustee Orlor explained that the ACA Committee has been working on an ordinance to put screening in vacant businesses to make it better looking. The EDC is finalizing a logo and an image for the Village of Hinsdale; the goal is to create a consistent look to the central business district. This ordinance would require property owners with a property vacant for more than 45 days to install appropriate screening in the windows. At the last ACA meeting, the attorneys modified the language and instead of waiting for the next ACA meeting, they agreed to present it to the Board to save time. The modifications to the ordinance were to the screen material and the wording on the screen. Trustee Orlor moved to approve an **Ordinance Amending Title 9 (Building Regulations), Chapter 12 (Miscellaneous Provisions) of the Village Code of Hinsdale to Add a New Section 9-12-6 (Vacant Retail Commercial Property Display Windows). (Ord. #2008-11)** Trustee Schultz seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

**ZONING AND PUBLIC SAFETY**

Trustee Smith commented on the upcoming ZPS meeting on Feb. 25<sup>th</sup> where the committee will vote on the Sedgwick proposal. He noted that he does not want to recreate the whole Plan Commission hearing process and would like not to hold this over for another meeting. He asked the other Trustees for their input on how to most effectively conduct this meeting. He stated that he will hold time limits on developer and opposition remarks, but will take public commentary only to the extent that it is

not redundant or repetitive. The goal is to get it to the Village Board on March 11<sup>th</sup>. Board discussion followed. It was suggested that Plan Commission deliberations be aired again on Channel 6 so that residents can be better informed before the ZPS meeting.

## **ENVIRONMENT AND PUBLIC SERVICES**

Trustee Follett noted that sidewalk planning will move forward as part of the strategic plan initiative.

## **REPORTS FROM ADVISORY BOARDS AND COMMISSIONS**

Trustee Williams reported that the Electrical Task Force is developing a kit for residents to make complaints to the ICC. Even though the referendum did not pass, the task force is still working to achieve their goal of better service for residents. In the future, there will be a workshop for residents and kit on line. The task force is also considering if the Village should file a complaint directly.

Trustee Orlor mentioned the Downtown Land Planning Task Force, which is a collaborative with District 181. To date they have had an on site visit and set goals. All neighbors of the Hinsdale Middle School property have been invited to attend the next meeting and participate.

Trustee Follett referenced the Proposed National Register District; the Robbins Park sub-division. Director of Community Development Tim Bleuher stated there will be a public meeting to explain landmarking held at the Middle School on February 27<sup>th</sup>.

## **STAFF REPORTS**

Village Manager Dave Cook announced that in conjunction with the library project, the lobby restrooms are complete and available for usage.

Director of Parks and Recreation Carrie Hauptert reported that on February 13<sup>th</sup> the American Institute of Architects designated Katherine Legge Memorial Lodge as one of the top 150 places in Illinois. A plaque will be installed at KLM and more information on this award can be found at [www.greatplaces.com](http://www.greatplaces.com).

Police Chief Bloom alerted the community of recent home burglaries in Clarendon Hills and Downers Grove where unlocked cars in driveways with garage door openers are used to gain access to homes at night while people are in their homes. He noted that many people leave cars in driveways unlocked in this community. A crime alert will be forwarded to the newspapers.

President Woerner reminded everyone of the Chat's with the President on March 7<sup>th</sup> at Off the Vine, and Saturday breakfast at Zaks on the March 8<sup>th</sup>. All are invited to attend.

**CITIZENS' PETITIONS  
(PERTAINING TO ANY VILLAGE ISSUE)**

**Greg Meyer, 5519 S. Garfield**, expressed his appreciation of the Village Trustees as they are private citizens who volunteer many hours to make Hinsdale a better place. He commented on the abuse Trustees have been subjected to of late, stating that they do not deserve to be treated so rudely and he believes the vast majority of Hinsdaleans agree with him on this point. Regarding recent allegations of a Trustee using a pseudonym and posting on a blog, he suggested that many people couldn't care less. Further, even if it is true, no law was broken by the Trustee, the only potential impropriety is on the part of the website administrator for releasing private information to the public.

**Jim Gaffney, 59 Chestnut, Clarendon Hills**, former Hinsdale resident, expressed outrage at how Trustees have been treated lately and seconded the sentiments of the first speaker.

**Molly Hughes**, stated that she, along with her husband, is the administrator of Hinsdale Talks, a forum created that allows any resident to speak openly, to have debate and discussion on ideas. Regarding the pseudonym incident, when someone registers falsely they forego any rights as a registrant to the sight. They are careful about people's privacy. She compared the new Village restrictions on public comment to the problems in Cuba.

**Bill Haarlow, 112 N. Lincoln**, member of the ZBA, referenced a lack of confidence in the Village Trustees. He suggested that Board actions are why the electric referendum failed; there too many unanswered questions and no public confidence in the majority of the current board. They have demonstrated an abuse of power, public intimidation and a policy of exclusion. He expressed his displeasure with the proposal to move of the Hinsdale Middle School to Veeck Park.

**John Karstrand, 419 S. Madison**, President of the Chamber of Commerce and speaking on their behalf, explained that he plans to provide quarterly updates for the Board about what the Chamber is doing. He expressed gratitude to Village officials for their support of the business community and noted downtown enhancements; renovated parking, directional signage and marketing efforts which include the launch of a Hinsdale brand. He also stated that snow removal has been a benefit. The Chamber also appreciates their partnership with the Village of Hinsdale on all special events.

**John Terzakis, 901 Cleveland**, thanked the Board for their volunteerism and personal sacrifices. Sometimes things get personal, but he hopes it doesn't discourage anyone from serving on our boards and commissions. Everyone has an opinion, can't make everybody happy, but there shouldn't be personal attacks on either side, all should be respectful.

**Kim Angelo, 525 E. Third Street**, ZBA member and volunteer, enumerated several grievances with the Village Board, expressed displeasure at the Board's recent handling of the pseudonym issue, and accused the Board of a conspiracy of silence.

**Phil Moriarty, 914 Harding Road**, seconded Mr. Haarlow's comments and added that elected and appointed officials must respect that there are several avenues for residents to voice their view, two being elections and petitions. He believes public officials have been flippantly disregarding petitions to preserve R2 zoning at 55<sup>th</sup> and Garfield.

### TRUSTEE COMMENTS

President Woerner stated that this Board, for first time, put meetings on television and now live television. As many meetings as possible are broadcast. This Board added a portion for citizen comment on the agenda and has informal get togethers on the first Friday and Saturday of every month. They welcome email communications and strive to be open and transparent. He stated that he is not perfect, when he makes mistakes he apologizes for them and tries to improve. He said that at some point you have to go forward. The Citizen's Petitions is a work in progress; the Board is striving to follow an element of protocol. Regarding specific accusations, no private investigator was hired, no agenda was altered, rewriting the zoning code is much needed and there is no development on Maple Street. The task force selection process was vetted by two different boards, it was open and honest, and is comprised of people with open minds who can work toward consensus.

Trustee Smith referenced President Woerner's opening remarks regarding conversations with the States Attorney's office about posting with a pseudonym vs. anonymous threatening emails. He cited a case in Oak Brook where someone who received harassing emails from a public official was awarded a \$2,000,000 settlement. He believes there are similarities to the Hinsdale situation. He asked President Woerner to be more clear and more careful as we proceed. President Woerner said it has been suggested that the Board investigate the allegations, but that is problematic; the correct procedure is to forward the case to the States Attorney's office. Chief Bloom commented that his department declined to investigate in an effort to avoid any appearance of bias or conflict of interest or impropriety. It is better for the Village

and the Board that the matter be forwarded to the States Attorney's office. They have been informed of the issue; he reiterated that it is important for his office to be above reproach as this is a very political issue. The State's Attorney can investigate and evaluate if any one should be arrested or charged.

Trustee Schultz clarified that Ms. Johnson never accused him of threatening her; she said she received an email that was menacing in tone and berated her for public comments she had made. This took place last November.

Village Attorney Florey clarified that the States Attorney, in a recent complaint involving a violation of the Open Meetings Act from a Hinsdale citizen, interviewed Trustees and himself, reviewed documents, reviewed recordings and determined that there had been no violation. He commented that they were very responsive.

Trustee Orlor stated that while he didn't agree with all that was said, he thanked everyone for their respectful comments tonight, however, he did clarify that after the Hinsdale Middle School concept was agreed upon, the first phone call he made was to Keith Medick and that he knew about the concept before the Trustees; he invited anyone to call Mr. Medick and confirm this fact.

#### ADJOURNMENT

Trustee Williams moved to **adjourn the meeting to closed session not to reconvene according to 105 ILCS 120/2(c) Sections /(11) Pending Litigation, /(8) Security and /(2) Collective Bargaining.** Trustee Schultz seconded the motion.

**AYES:** Trustees Follett, Cauley, Orlor, Williams, Schultz, Smith

**NAYS:** None

**ABSENT:** None

Motion carried.

Meeting adjourned at 8:57 p.m.

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