

**VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
April 21, 2009**

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 21, 2009 at 7:35 p.m.

Present: President Michael Woerner, Trustees Jean Follett, Tom Cauley, Kevin Connor, Cindy Williams, Bob Schultz and Michael Smith

Absent: None

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager/Director of Finance Darrell Langlois, Director of Community Development Tim Bleuher Chief Bloom and Chief Kelly and Deputy Village Clerk Christine Bruton

Also Present: Christine Martin with the Tribune, Pam Lannom with the Hinsdalean, Don Grigus 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

Trustee Follett moved **approval of the Regular Meeting of March 17, 2009 and the Closed Session Minutes of March 3, 2009 and the Closed Session Minutes of March 17, 2009 of the Village Board of Trustees.** Trustee Smith seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz and Smith

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS*

*Pertaining to items appearing on this agenda

Charles Hartley, 33 W. Birchwood, reported on the Flagg Creek deposition of him noting that he has not paid the stormwater surcharge since March 2006. He asked the Board if he should attend Flagg Creek's board meeting tomorrow and where the Village stands with the \$8.00 surcharge. Mr. Cook has assured Mr. Hartley that his water will not be turned off.

Nancy Chapa, 318 S. Garfield Street, believes that if anyone is hurt in conjunction with the Garfield project, the Board can be named in a wrongful death suit. She asked the Board to support the findings of fact of the Plan Commission and vote no.

Beth Barrow, 319 N. Washington, commented that this development is a legacy, however, does not provide any parking relief or provide lifestyle housing. She stated that the Passero building is a failed model for this plan. She believes this is dense and bulky project and not compatible or complimentary to the existing downtown. She asked the Board to accept the Plan Commission recommendations.

Laura Johnson, 719 S. County Line Road, acknowledged and thanked Trustee Smith, for his stewardship of the will of the community. Regarding the Garfield project she noted that it has been the cause of nearly a decade a consternation, has been costly in many ways and will be a point of contention for years to come. She asked the Board to refer any decisions to the new Board. Additionally, she asked the Trustees and President to state publically that they have not had any dealings with the developer, received campaign money or personal donations and to affirm that no promises were made to the developer. She believes this will put to rest any ill-conceived concerns and chatter regarding integrity.

Laura LaPlaca, 726 S. Elm, spoke to the process that all developments receive stating that input is received from the developer, the staff and the Plan Commission. There is give and take, comment and compromise, this process takes a number of meetings, but that process was undermined in this case. The applicant approached the Plan Commission as a perfunctory step along the way. The review of the development got to the Plan Commission in February, prior meetings related to code amendments. Safety, traffic and appearance were not fully vetted and the Plan Commission disapproved the site plan and the exterior appearance. She asked the Board not to approve a plan that hasn't had enough scrutiny, she urged continuing work with the developer to create a product we can be proud of.

Molly Hughes, 24 S. Oak St. stated that the Garfield project shouldn't be before the Board at all because this development has no prospect of being financed; Gammonley is in debt. It looks like we're here because Mr. Gammonley is intent on extracting value for his property from Hinsdale so he can mark it up and sell it.

Sigita Balzekas, 21 Pamela Circle, stated that she had looked back over old notes from 2004 when the first Garfield project came forward. She compared the various parking accommodations of all the Garfield projects. She referred to the February Plan Commission meeting where Mr. Gammonley glibly dismissed the safety concerns of HMS children. She wants the best plan and the best product for the community—and the safest.

Christie Eddins, 202 E Fourth St., expressed her objection to the Gammonley project and asked the Trustees to consider the safety issue. The Plan Commission unanimously recommended that this be denied and District 181 expressed concerns. She asked that the new Board be allowed to consider all the issues.

Bill Haarlow, 112 N. Lincoln, stated that in light of overwhelming public opinion, Plan Commission recommendations and the significant concerns of District 181, there is no good reason to move forward at this time. He urged the Board to deny or defer the item.

Karl Weber, 219 E First Street, stated that in his opinion when the Board acted to change zoning to allow trucks to back up onto public rights of way, it did so in haste. He mentioned that not all trucks beep when they back up anymore and that backup cameras are more effective, further, studies of UPS accidents conclude that 80-90% are back up accidents. He believes the safety of all pedestrians has been compromised.

John Bohnen, 230 E. First Street, explained that his first foray into governmental affairs began when his wife pointed out the first Garfield project. He believes that was an illegal building made possible because people were not paying attention to their government. They filed lawsuits, spent money and cleaned house. He has an altruistic notion that he can get things going in the right direction and has been pursuing this with the Alliance for Hinsdale. They have challenged Garfield I, II and III. He stated that he is not against development; he hasn't seen a good project yet. He complained that the same four trustees ignore the recommendations of the Plan Commission. He read a letter he wrote to Trustee Follett and asked her not to be counted in that group and to consider the findings of the Plan Commission.

Neale Byrnes, 640 S. Bruner, stated that he doesn't believe this is the best project for the site and has several issues that need to be resolved. He wants to see the site developed, but wants the best product in terms of safety, appearance and utility. This project will have two driveways five feet apart; egress and ingress near where HMS students walk. There will be semi-trucks backing out onto First Street or parking along First Street. He believes the design has a dull austere eastern elevation at the gateway to downtown. He said the developer was not interested in the suggestions of the Plan Commission, and he asked the Board to send him back to the drawing board to come up with the best project.

VILLAGE PRESIDENT'S REPORT

President Woerner read an April 16th letter from Village Manager Cook to Mr. Richard Gammonley, wherein he explained that when costs for zoning applications are greater than normal the Village finds it necessary to increase the applicant's escrow deposit to cover costs. In this case \$30,000 more is expected. The required additional deposit is required to be paid by April 21st at the close of business. Failure to pay shall be grounds for refusing to process the application. Mr. Cook informed the Board that the check was delivered today.

PROCLAMATION – CROSSING GUARDS

President Woerner read the proclamation. Ms. Mary Ann Romanelli addressed the Board to recognize a group of individuals who deserve gratitude every day, most are retired seniors who want to stay active and enjoy the children. She stated that the Governor made it an official day in the State and described various recognition events taking place throughout the State. Chief Bloom thanked Ms. Romanelli for her hard work.

PROCLAMATION – ARBOR DAY

President Woerner read the proclamation. Trustee Follett announced that Morton Arboretum is donating a tree to the Village that will be planted at KLM on April 22nd at 5:00 p.m.

CONSENT AGENDA

Items Recommended by Zoning & Public Safety

- a) Approve an Ordinance Approving a Special Use Permit, Site Plans and Exterior Appearance Plans for the Installation of four Cellular Antennas and Equipment Shelter on the property Located at 15 Spinning Wheel Road (Plan Commission Case No. A-02-2009) (O2009-25)

Items Recommended by Environment & Public Services

- b) Approve the Engineering Services for the Surveying and Design of the Chestnut Street Project by Clark Dietz, Inc. in the amount of \$199,666.50
- c) Approve a Resolution Authorizing a Representative to Sign Loan Documents (R2009-06)
- d) Approve a Resolution Approving and Accepting a Plat of Consolidation to Consolidate the Properties Commonly Known as 448 E. Fourth Street in the Village of Hinsdale, County of DuPage (R2009-07)
- e) Approve a Resolution Approving and Accepting A Plat of Consolidation to Consolidate the Properties Commonly Known as 118 and 122 E. 55th Street in the Village of Hinsdale, County of DuPage (R2009-08)

Items Recommended by Administration & Community Affairs

- f) Adopt the FY 2009-10 Annual Performance Budget
- g) Approve the FY 2009-10 Pay Scales

President Woerner read the consent agenda as presented. Trustee Williams moved to **approve the Consent Agenda as amended**. Trustee Follett seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Trustee Schultz Approval and Payment of the Accounts Payable for the period of April 3, 2009 through April 17, 2009 in the aggregate amount of \$1,297,629.11 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk. Trustee Connor seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

Trustee Connor noted this was a difficult budget; he complimented staff and Mr. Cook on their efforts. The Finance Commission and the ACA Committee have reviewed the budget; it is a balanced, thoughtful budget for this year, there were difficult cuts and deferred capital expenses.

ENVIRONMENT AND PUBLIC SERVICES

No report. Trustee Smith asked Trustee Follett about the brick streets and the street repair plan. He wondered where Walnut street lies in the repair time line and that he had searched the website and couldn't find the priorities on line. Trustee Follett explained that they have been reluctant to post the list on line. Due to IEPA permits the order gets shifted and residents don't understand. She has suggested to the Village Engineer to post the 5-year plan with a disclaimer. Regarding the brick paving of North Washington Street, it is more than a cosmetic choice, explained Trustee Follett. The lifespan of a brick street is eight times that of asphalt. Due to the savings over time to the Village, they couldn't ask the residents for all the money.

ZONING AND PUBLIC SAFETY

Trustee Smith reported that the next regularly scheduled meeting has been cancelled.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

Trustee Follett reported that a \$3,000 grant was received from the National Trust for Historic Places to do a condition assessment and a plan for the Burns Field warming house.

STAFF REPORTS

Approve a Lease Agreement between the Board of Education of Community Consolidated School District No. 181 and the Village of Hinsdale

Village Manager Cook introduced the item explaining that the southern portion of the HMS parking lot is leased to the Village through June 2010. Due to increased enrollment, HMS will need to place four portable classrooms in the parking lot this fall. This will result in a loss of 16-20 spaces depending on the location of the classrooms. In terms of lost parking, Chief Bloom stated that he initially thought this would be problem, but they will designate similar parking onto Washington Street; the net spaces for shoppers will remain the same. Trustee Connor moved to approve a **Lease Agreement between the Board of Education of Community Consolidated School District No. 181 and the Village of Hinsdale**. Trustee Cauley seconded the motion. Discussion regarding the location of the portable classrooms followed. Ms. Sue Kamuda, Director of Buildings and Grounds for School District 181 explained that their architect rejected certain locations for the classrooms because the elevations were too high and would require ramps. She also noted that District 181 is making plans to vacate the KLM building this summer. Trustee Follett commented that we have a parking solution, but every 20 spaces counts. She noted that Clarendon Hills refused to have the portables in their park, so Hinsdale is stuck with the problem. Further, we have no commitment that KLM will be vacated and remarked this was not a cooperative process.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

Consideration of the Proposal of Barnes & Thornburg, LLP

President Woerner introduced the proposal which is to contract a lobbyist to represent Hinsdale at the State, County and Federal levels. Mr. Cook directed the Trustees to the formal action plan before them. He explained that he contacted Mr. Boykin's references and the mayor of University Park and County Commissioner Liz Gorman were both very impressed with Mr. Boykin's ability to get doors opened; he is well known on both sides of the aisle and their trips to Washington were well-planned and productive. If the Board approves the proposal, the monthly retainer would be \$5,000 plus out of pocket expenses.

Trustee Smith moved to **approve a Consulting Services Agreement with Barnes & Thornburg, LLP through December 2009**. Trustee Connor seconded the motion. Trustee Connor commented that he was initially skeptical, but is persuaded because of the positive references and that the contract can be cancelled at any time. Additionally, it is relatively inexpensive for the potential return. Mr. Cook remarked that there is an element of urgency and that the two projects they will aggressively pursue are storm sewer separation and the replacement of the Oak Street Bridge. Trustee Cauley explained that he would approve this because it isn't that much money in the grand scheme of things, the contract can be cancelled and he believes the urgency exists. We need somebody to push our projects forward. Trustee Follett asked how can we ask for money when we don't have a draft plan or haven't had public input. Mr. Cook explained that regarding the Oak Street Bridge this will likely be a five to six year project. Initially, we need an agreement with the Burlington Northern to transfer ownership and then complete a Phase I engineering plan. IDOT will assist in the process. Trustee Williams stated that she believes this item should go through the RFP process as this will be a line item on our budget for the future, nor can the Board expect to turn a profit or receive any revenue before six months. There is some doubt that the Highway Transportation Bill will be signed into law this year. Trustee Schultz stated that he did not like the method by which this was brought to the Board. There was never any discussion at the committee level. He also noted that on a per hour basis this would be our most expensive consultant and there is no definition of out of pocket expenses. Trustee Smith commented that Mr. Boykin was genuine and didn't over-promise, but in his letter to the Board he did note anticipated dollars within the next year. The legislative sessions have begun, and we have an opportunity to get in the door. President Woerner commented on the failed referendums, the \$1 million shortfall in the budget and the subsequent need to explore other options to get funds. The new administration can make a future determination as to whether or not this contract should be continued or should go to RFP. Trustee Smith congratulated Mr. Cook and staff for the \$1.6 million received from the Du Page Managers & Mayors. Trustee Schultz still believes we are rushing forward with the lobbyist contract and Trustee Williams made the point that the staff

has done an exemplary job getting grant money this year without the help of a professional.

AYES: Trustees Follett, Cauley, Connor, Smith

NAYS: Trustees Williams and Schultz

ABSENT: None

Motion carried.

Approve a Resolution Urging Passage of a Comprehensive Capital Infrastructure Program

President Woerner read the recommendation. Trustee Smith moved to approve a **Resolution Urging Passage of a Comprehensive Capital Infrastructure Program**. (R2009-09) Trustee Cauley seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

Approve an Ordinance Authorizing the Village of Hinsdale, DuPage and Cook Counties, Illinois to Borrow Funds from the Water Pollution Control Loan Program

Village Manager Cook introduced the item and explained that this is a required document necessary to make an application for federal stimulus funds from the IEPA. Trustee Cauley moved to approve an **Ordinance Authorizing the Village of Hinsdale, DuPage and Cook Counties, Illinois to Borrow Funds from the Water Pollution Control Loan Program**. (O2009-26) Trustee Connor seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

Approve an Ordinance Approving Exterior Appearance Plans and Site Plans for the Property Located at 26-32 First Street (Plan Commission Case No. A-11-2008)

Trustee Schultz moved to approve an **Ordinance Approving Exterior Appearance Plans and Site Plans for the Property Located at 26-32 First Street**. Trustee Williams seconded the motion.

President Woerner asked the Board for comments. Trustee Smith asked that Rule 7 be invoked. Trustee Cauley agreed. Trustee Schultz read Rule 7 that states 'a report to the Board can be continued'; he said this is not a report therefore cannot be continued.

President Woerner made a ruling as Chair that he would consider a motion to go into closed session; otherwise he will take Rule 7. Trustee Schultz suggested a motion to suspend the rules. President Woerner said no and reiterated his position. Trustee Schultz asked President Woerner which Board would deal with the matter, President Woerner stated that he will consult with Village Attorney to make that determination.

Trustee Connor asked Village Attorney Florey whether Rule 7 can be overturned by a motion from another Trustee and four votes. Mr. Florey responded that any ruling by the president can be overruled by a majority of the Board. Trustee Smith pointed out that according to our code, regarding the rules of order, Rules 4, 7 and 12 cannot be overruled. Trustee Williams wanted to move to go to closed session, but Attorney Florey cautioned that a proper exception would be needed. President Woerner asked for a motion to recess.

A short recess was taken.

President Woerner stated that Rule 7 clearly states that two trustees can move this item forward to May, in the meantime he will check with the attorney which Board will vote on this matter. Trustee Connor restated the situation. The matter will be addressed at the May 5th meeting.

CITIZENS' PETITIONS
(Pertaining to any Village issue)*

None.

TRUSTEE COMMENTS

Trustee Follett commented on the upcoming transition dinner stating that in the light of the financial problems she believes the trustees should pay their own way. President Woerner explained the long-standing tradition of the dinner and that it is important. The Trustees agreed to pay for their own meals.

ADJOURNMENT

There being no further business before the Village Board of Trustees and no need for a Closed Session, Trustee Smith moved to **adjourn the April 21, 2009 meeting of the Village Board of Trustees**. Trustee Cauley seconded the motion.

AYES: Trustees Follett, Cauley, Connor, Williams, Schultz, Smith

NAYS: None

ABSENT: None

Motion carried.

Meeting adjourned at 9:46 p.m.

ATTEST: _____
Christine M. Bruton, Deputy Village Clerk