

**,VILLAGE OF HINSDALE
VILLAGE BOARD OF TRUSTEES
MINUTES OF THE MEETING
May 5, 2009**

The Hinsdale Village Board of Trustees regularly scheduled meeting was called to order immediately following the Historic Preservation Commission Preservation Month Program by President Michael Woerner in Memorial Hall of the Memorial Building on Tuesday, May 5, 2009 at 7:32 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, Director of Parks & Recreation Gina Hassett, Director of Public Services George Franco, Police Chief Brad Bloom and Fire Chief Mike Kelly and Deputy Village Clerk Christine Bruton.

Also Present: Christine Martin with the Tribune, Pam Lannom with the Hinsdalean, 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 April 7, 2009, the Regular Meeting of April 21, 2009 and the Closed Session Minutes of April 7, 2009 of the Village Board of Trustees.** Trustee Connor seconded the motion.

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

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

CITIZENS' PETITIONS

Kitty Delany, 401 S. Lincoln Street, thanked President Woerner for 14 years of public service. He has given his time, energy and talent to the community; it is a better place to live and work as a result.

Karl Weber, 219 E. First Street, thanked Trustees Follett and Smith and President Woerner for their service. He specifically thanked President Woerner for bringing openness to government by televising meetings on Channel 6.

Gerry Sweeney, 728 Cleveland Road, said President Woerner always took the time to talk to him about things in the community and that all the Trustees have filled their rolls in a volunteer position admirably.

John Bohnen, 230 E. First Street, thanked the outgoing Board members for their service. As a local historian, he remarked that four years ago President Woerner took over on the heels of a very upsetting governmental situation. He thanked Trustee Smith for his unwavering ideals.

COMMENTS FROM OUTGOING BOARD

Trustee Connor noted that he has only served the three and half months remaining of Trustee Orlor's term and therefore has the least right to comment except to say watching government in action is not pretty. As a Board, we don't always get it right or cleanly or simply or efficiently, but all who come to serve have good intentions and want to make the community a better place. He remarked that it is a wonderful new group coming on, wished them the best of luck and urged them to keep moving forward.

Trustee Follett said her time on the Board has been interesting and she has learned a lot. She is looking forward to watching the Strategic Plan and infrastructure plan come to fruition under the guidance of the new Board.

Trustee Smith responded to Laura Johnson's comment from the last meeting by publicly stating that he has had no dealings with any developer. He commended the staff for good work under difficult circumstances, he believes they have residents' best interests at heart and are responsive and professional. He thanked the press for their kindness. He said it has been a pleasure 'jousting' with the Village Attorney who is always cordial and professional. He thanked the citizens and audience who represent the best interests of the majority. He thanked the old Board for their effort and time and wished the new Board the best of luck and asked them to put aside their differences and name the Board room after Phillip R. Clarke, who led the campaign to build the Memorial Building, save Graue Mill,

purchase Central High School land and save Bronswood Cemetery. Mr. Clarke has been an inspiration. Most important, Trustee Smith thanked to his wife Carol for pushing him to serve and supporting him.

President Woerner thanked everyone for the honor of having served the last four years. He commented on the abundance of talent in the community and that over 200 citizens in the last four years have served, including the service on other commissions of the new Trustees. During his tenure, much has been accomplished: citizen involvement has improved, there is increased and improved communications, televised board meetings providing transparency, a second citizen comment opportunity was added to the agenda, as well as town hall meetings and informal opportunities for conversation at a neighborhood wine store. The Strategic Plan has led to a Zoning Code Rewrite Task Force, a Design Review Commission, a Beautification Task Force and a Finance Commission. Four years ago, the then new Board wrote an initiative for Hinsdale's new horizons; a mission statement for the future at that time. In hindsight, what was missing was they should have come back and revisited the mission statement every six or twelve months. He has enjoyed meeting residents and professionals in the village. He noted the recession and its impact on the business community; he challenged the new Board to pay attention to the business community and focus on the economic viability of the downtown, the core of our Village.

REPORT OF ELECTION RESULTS

Village Manager Cook reported the April 7, 2009 election has been canvassed and the official results are as follows:

VILLAGE PRESIDENT

Tom Cauley*	2,251	59%
Cindy Williams	1,396	37%
Michael D. Woerner	171	5%

* elected

VILLAGE TRUSTEE

Doug Geoga*	2,164	22%
Laura LaPlaca*	2,512	25%
Bill Seith	1,841	18%
Craig Chapello	1,579	16%
Bob Saigh*	2,006	20%

* elected

LIBRARY TRUSTEE

Peter DeHaan*	2,044	24%
Joe LaManna*	2,066	24%
Jan Letts*	2,064	24%
Nancy Weller*	2,279	27%

* elected.

REFERENDUM ON 1% Sales Tax

Yes	1,751	48%
No*	1,934	52%

*Referendum failed.

President Woerner stated that the Caucus was unsuccessful in finding a candidate for Village Clerk. Village Manager Cook explained that the Village President will appoint a Clerk and that if anyone is interested they can contact him or President Cauley.

Trustee Connor asked President Woerner to explain why the agenda is ordered as it is, inasmuch as the new Board will vote on various matters, not the old Board. President Woerner explained that with the advice of the Village Attorney, it was determined that after the election numbers are certified by the County, which occurred on April 28th, the terms of the newly elected Trustees commenced. Even though this is somewhat contrary to Village code, the State statute is the controlling authority. To proceed otherwise would put any action taken by the old Board at serious legal risk. If a special meeting was held in April, there might be room for action, but the Village code stipulates the first regular meeting in May.

OATH OF OFFICE AND SEATING OF NEW BOARD MEMBERS

President Woerner administered the oath of office to President-Elect Tom Cauley for the Office of President of the Village of Hinsdale. President Cauley administered the oath of office to Trustees-Elect Geoga, LaPlaca and Saigh.

MEETING RECESS

Meeting recessed at 8:28 p.m.

CALL BACK TO ORDER

President Cauley called the meeting back to order at 8:33 p.m.

VILLAGE PRESIDENT'S REPORT

President Cauley thanked President Woerner and the outgoing Trustees. He remarked that one of the good things about a contested election is the opportunity to meet residents and hear their concerns. As a result he has identified three major concerns: 1.) Infrastructure, roads and drainage – He has asked Trustee Geoga to chair the ACA Committee, and he is already working closely with staff. He asked the community for patience. Trustee LaPlaca will chair the EPS Committee. They will address how we use the recently acquired \$1.6 million stimulus package. In addition to fixing roads when sewers need to be fixed, we will aggressively resurface roads that don't need sewers. 2.) Vitality of CBD – there are currently 20 vacant storefronts; the problem lies with the economy and high rents. Moving forward, the Economic Development Commission, headed by John Karstrand will work closely and report directly to the Village Board. Trustees LaPlaca and Williams will be liaisons with the EDC and the Chamber of Commerce. 3.) Development – this has been a divisive subject. He intends to follow the Code and has asked Trustee Williams to chair the ZPS Committee because of her experience. He has asked Trustee LaPlace to head an initiative to explore the establishment of a pre-application process for developers. A Board member, staff, affected residents and the developer will meet to review the project. This will benefit everyone; residents will be protected and developers will know what to expect. Additionally, President Cauley lifted all restrictions on speech at Board meetings, leaving it to the members of the public to conduct themselves appropriately.

Trustee Geoga thanked all residents for the opportunity to serve and assured them that he takes the responsibility seriously. He thanked the outgoing Trustees for their service and said that he subscribes to the notion of neighbors of good intention taking a turn. He quoted Lyndon Johnson, stating that it is not hard to do the right thing; it is hard to know what the right thing is. This Board will listen carefully and make their best judgment.

Trustee LaPlaca thanked everyone for their support and the opportunity to serve. She is excited to get started, to work with the Trustees and staff and other Village commissioners. She has met with staff and is encouraged; we are making inroads with infrastructure problems and streets and the central business district. She invited everyone in the community to become part of the process of government.

Trustee Saigh thanked his wife; his serving is her commitment, too. He thanked the Caucus for their admirable work in this process and encouraged all to become involved. He thanked his fellow candidates and remarked that they are a talented group. He thanked his supporters; Hinsdale First, friends and neighbors. He also thanked the opposition candidates because they made the newly elected slate think and work, which made them better prepared. He thanked the outgoing Board and previous Boards, his ZBA colleagues, Kim Angelo, Mike Ripani, Bill Haarlow, Tom

Nelson and Paul Anglin, all fine, dedicated residents. He thanked Jean Follett for their shared preservation concerns and for bringing Hinsdale to the national arena. He thanked the Hinsdale Historical Society and Village staff.

Trustee Williams congratulated President Cauley on his commitment and dedication, and the newly elected Trustees. This is a very talented Board going forward; excellent skill sets and professionalism to solve the issues facing community. They are passionate about public service and are articulate and knowledgeable.

Trustee Schultz echoed the welcome and congratulations of the other Board members.

APPOINTMENT OF VILLAGE BOARD TRUSTEE

President Cauley recommended the appointment of Mr. J. Kimberley Angelo to complete his term as trustee. He explained that he looked at the Plan Commission and the Zoning Board of Appeals for candidates. He also spoke with the Caucus. He provided a verbal summary of Mr. Angelo's background. **Trustee Saigh moved to approve the appointment of J. Kimberley Angelo as Village Board Trustee to complete the unexpired term of Tom Cauley.** Trustee LaPlaca seconded the motion.

Trustee Schultz stated that he didn't think the Board should vote on this matter as there was no notice of the appointment, this was not made public. Trustee Saigh disagreed, noting that this appointment is the President's prerogative and noted his service with Mr. Angelo on the ZBA and the fine qualities that he has exhibited. Further, Mr. Angelo is obviously passionate about Hinsdale, and cares deeply about the village. He and his family are completely committed. Trustee Schultz explained that he is not criticizing Mr. Angelo, just the process. Trustee Williams stated that during the campaign she and then Trustee Cauley shared a pledge: civility on the Board and that after the election they would work collaboratively to develop solutions. She has met with President Cauley to discuss issues, but disagrees on this appointment because based on Mr. Angelo's appearances before the Board over the last three years he will not promote civil discourse. She doesn't disagree with Mr. Angelo's qualifications, but his passion has led to attacks on Board members, staff and members of the community. He has not been a positive influence on the community. She would like to meet with President Cauley and Mr. Angelo to discuss this appointment. Trustee Geoga stated that he endorsed Trustee Schultz's focus on process and Trustee Williams acknowledgement of Mr. Angelo's qualifications, but vacancies are filled by virtue of State statute, the President can make the appointment with the advice and consent of the Board. This means in a case like this, it is the prerogative of the President to make the nominations and, in the absence of fundamental lack of qualification, Mr. Angelo should be approved. He believes Mr. Angelo will be a terrific Trustee.

President Cauley asked the Clerk to call the question.

AYES: Trustees Saigh, LaPlaca, Geoga and President Cauley

NAYS: Trustees Williams and Schultz

ABSTAIN: None

ABSENT: None

Motion carried.

OATH OF OFFICE FOR VILLAGE BOARD TRUSTEE

President Cauley administered the oath of office to Mr. Angelo.

APPOINTMENTS TO BOARDS & COMMISSIONS

President Cauley began by stating that he eventually hoped to place Bill Seith and Mike Woerner in service roles, and that he has addressed the most pressing vacancies on commissions and boards first. Therefore, he asked for a motion to approve the following:

Economic Development Commission

John Karstrand, Chamber of Commerce member, appointed as Chair for a 3-year term thru April 2012

Craig Chapello to a 3-year resident member term thru April 2012

Jeanie Janes to a 3-year retail merchant term thru April 2012

Park & Recreation Commission

Jeff Curran appointed as Chair thru his current term expiring in April 2011

Eddie Opler to a 3-year term thru April 2012

Plan Commission

Neal Byrnes appointed as Chairman thru his current term expiring in April 2011

Jim Brody to a 3-year term thru April 2012

Mike Nelson to a 3-year term thru April 2012

Laura Johnson to a 3-year term thru April 2012

Zoning Board of Appeals

Debra Braselton to a 5-year term thru April 2014

Gary Moberly to a 1-year term thru April 2010, filling the unexpired term of Bob Saigh

Trustee Angelo moved **to approve the appointments as presented.** Trustee Geoga seconded the motion.

AYES: Trustees Angelo Saigh, LaPlaca, Williams, Geoga and Schultz

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

PROCLAMATION – PRESERVATION MONTH

President Cauley read the Preservation proclamation.

CONSENT AGENDA

Items Recommended by Administration & Community Affairs

Item #1: Move **Approval of Westmont Swim Club License Agreement** (Omnibus vote)

Item #2: Move **Approval of Hinsdale Swim Club License Agreement** (Omnibus vote)

Item #3: Move **Approval of the FY 2008-2009 Appropriation Transfer Ordinance** (Omnibus vote) (O2009-27)

Item #4: Move **Approval of Fiscal Year 2009-2010 Blanket Purchase Orders in the amount of \$990,010** (Omnibus vote)

Item #5: Move **Approval of an Ordinance Authorizing the Disposal of Personal Property owned by the Village of Hinsdale** (Omnibus vote) (O2009-28)

Item #6: Move **Approval of a request from the Hinsdale American Legion Post 250 to conduct the Annual Memorial Day Parade with Village services provided** (Omnibus vote)

Item #7: Move **Approval of an Ordinance Amending Title 3 (Business and License Regulations) of the Village Code of Hinsdale by Adding a New Chapter 15 (“ Raffles”)** (Omnibus vote) (O2009-29)

Trustee Schultz asked that Item G be removed from the Consent Agenda. President Cauley read the Consent Agenda, as amended. Trustee Schultz **moved to approve the Consent Agenda, as amended.** Trustee LaPlaca seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Williams, Geoga and Schultz

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Approval of an Ordinance Amending Title 3 (Business and License Regulations) of the Village Code of Hinsdale by Adding a New Chapter 15 (“ Raffles”).

Trustee Schultz commented that, as written, this is burdensome and over-regulatory. Trustee Geoga concurred. Attorney Florey stated that some of these requirements are per statute and are fundamental requirements. Technically any raffle is a form gambling and the ordinance before the Board is standard. It was suggested that the Village Manager waive the ongoing financial reporting aspect, however, Mr. Florey stated that he did not know if this could be removed from the ordinance. However, the ordinance could be amended to state that the Village Manager had the authority to waive specific requirements as allowed by law. Trustee Schultz moved to approve an **Ordinance Amending Title 3 (Business and License Regulations) of the Village Code of Hinsdale by Adding a New Chapter 15 (“ Raffles”)**, as amended Trustee Geoga seconded the motion.

AYES: Trustees Angelo, Saigh, LaPlaca, Williams, Geoga and Schultz

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

ADMINISTRATION AND COMMUNITY AFFAIRS

Trustee Williams moved **Approval and Payment of the Accounts Payable for the period of April 17, 2009 through May 1, 2009 in the aggregate amount of \$518,781.50 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 Angelo, Saigh, LaPlaca, Williams, Geoga and Schultz

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

ENVIRONMENT AND PUBLIC SERVICES

No report.

ZONING AND PUBLIC SAFETY

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 **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 Williams seconded the motion. Trustee Saigh stated that people want a development if it is done well and the risks and unknowns are eliminated. He doesn't believe, in this divisive climate, it would be prudent to go forward. There is genuine concern for safety and security, traffic, parking, ingress and egress. These have to be addressed more satisfactorily. The significant role of the Plan Commission was thwarted by the previous Board. The role of the Plan Commission is crucial and he wants their advisory role to remain intact. He asked Mr. Gammonley to work with the Village to mutually create an acceptable project. Trustee LaPlaca reiterated these comments and urged that the Plan Commission have more give and take with the developer. She hopes to move forward to revisit the project to be sure that it is suitable and an attribute to the community. Trustee Angelo agrees with the Plan Commission findings and sited the specific sections of code not met by the proposed project. Trustee Geoga hopes there will be a project at First and Garfield; there are some positive elements in this project, but he does not believe it should receive approval at this time.

Trustee Schultz stated that he believes there has been give and take and this is Code compliant plan. It needs to be voted on because the time line had expired. We have heard hours of comment, but no positive feedback. We have not created an environment for a developer to come forward. We need to set a standard when these projects come forward. The Plan Commission only meets once a month, maybe this kind of project requires special meetings to move it forward. If we decline this project tonight, is Mr. Gammonley precluded from coming back for two years? President Cauley stated that he would not be able to come back with the same project. Trustee Schultz asked Mr. Gammonley if he would like this referred back to the Plan Commission for give and take. Discussion followed regarding whether or not the application could be withdrawn or if the Board could refer it back to the Plan Commission. Trustee LaPlaca agreed that time was wasted, but there were suggestions made and the applicant was not interested in making changes to his plan. The process was not effective and she doesn't believe there was enough public input at the Plan Commission level. Former Trustee Mike Smith commented that because of Rule 7, the Board needs to take final action. Mr.

Gammonley addressed the Board stating the current sequence of events was supposed to settle the existing lawsuit; he doesn't want this in another suit. He believes this is a Code compliant project, but would consider more give and take at Plan Commission level if that's what it takes. If this can go back to Plan Commission and a project of this magnitude could be dealt with in a quick and responsive way, he would not object. He did note that in his opinion there has been a lot of criticism of the project, but not substantive input to date,

Trustee Angelo asked if Rule 7 compels the Board to take final action tonight. Discussion followed with the advice of the Village Attorney regarding denials and remanding the item back to the Plan Commission. As a result, Trustee Schultz moved to **disapprove 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), and refer the matter back to the Plan Commission for additional consideration.** Trustee Williams seconded the motion. Mr. Gammonley assured the Board that he will bring back a radically different Code compliant project.

AYES: Trustees Saigh, LaPlaca, Williams, Geoga and Schultz

NAYS: Trustee Angelo

ABSTAIN: None

ABSENT: None

Motion carried.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

No reports.

STAFF REPORTS

Mr. Cook commented on recent legislative activity in Springfield. Last week he met with Senator Dillard and Representative Bellock with the DuPage Mayors & Managers. It appears that there will be a capital bill passed for the first time in ten years. He will be back in Springfield tomorrow to meet with Representative Durkin and Senator Radogno. Additionally, he commented on alarming pension legislation going through both houses. If adopted, pension costs would accelerate greatly, but the labor unions are powerful and meaningful reform is going nowhere.

CITIZENS' PETITIONS

Mike Smith, 425 E. Third Street, stated that he believes the Board has violated Rule 7. A motion was made and seconded in April. Rule 7 states that an item shall be deferred for final action at next regular meeting, which did not happen.

TRUSTEE COMMENTS

None.

ADJOURNMENT

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

AYES: Trustees Angelo, Saigh, LaPlaca, Williams, Geoga, Schultz

NAYS: None

ABSENT: None

Motion carried.

Meeting adjourned at 9:52 p.m.

ATTEST: _____
Christine M. Bruton, Deputy Village Clerk