

**VILLAGE OF HINSDALE
BOARD OF TRUSTEES MEETING
August 14, 2007
Memorial Hall**

The Hinsdale Village Board of Trustees meeting was called to order by President Woerner in Memorial Hall of the Memorial Building on Tuesday August 14, 2007 at 7:37 P.M.

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

Absent: None.

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Assistant Village Manager/Director of Administration Doug Cooper, Deputy Police Chief Kevin Simpson, Deputy Fire Chief Michael Kelly, Director of Public Services George Franco, Director of Parks and Recreation Carrie Hauptert, Building Commissioner Rob McGinnis, Attorney Steven Ruffalo and Village Clerk Barb Grigola.

Also Present: Christine Martin, freelance writer for the Chicago Tribune, Pam Lannom of the Hinsdalean and Kendra Garstke 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 July 17, 2007 Board of Trustees minutes with the following corrections: on Page 5 remove double mention of ordinance amending Title 5 leaving only the second mention with the voting tally and on Page 6 amend to say the motion failed with 4 Nay votes. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

CITIZENS' PETITIONS

Omar Bartos of 112 The Lane showed pictures of barricades on his street damaged after an accident and asked that the Village build a bigger and stronger barrier like the one on the other side of the street when they repair it.

Jim Ridge of 629 S. Washington said he is an engineer representing Theresa Morrow of 112 N. Garfield regarding issues of storm water runoff. He asked for a response to his letter to the Village and an update on the status of the water and sewer construction at Ulm and Washington. Village Manager Cook said he would get him the information tomorrow and would sit down with him to discuss the issues.

Molly Hughes of 24 S. Oak Street said that she never heard back from President Woerner after he approached her about serving on the task force to rewrite the Zoning Code and that she would like to be part of that group.

Jim Oles of 306 S. Garfield requested that the issue of temporary parking along 3rd Street be removed from the Consent Agenda so that it could be discussed.

John Bohnen of 230 East First Street praised the citizens for their bravery in bringing the suit against the Garfield project saying the project never met our zoning regulations. He stated that the current Village President and Trustees can only be credited with running up legal fees in this case whose facts were determined by the ZBA at no cost and said that that the \$560,000 in legal fees paid by the Village and another \$200,000 paid by the citizens were unnecessary. He further suggested that if President Woerner wants to employ these two attorneys (Florey and Ruffalo) effectively he should instruct them to sue former Village President Faulstich and former Village Attorney Burkland for fraud and malpractice. He suggested the President establish a legal oversight committee and cautioned that the 111 South Lincoln building is a poster child of how not to do a PUD. He urged that we utilize the free services of the ZBA and said it does not make sense to reduce the powers of the ZBA to advisory status.

Karl Weber said that he was glad to see Item #7 on the Agenda today providing the ZBA with legal assistance and pointed out that the ZBA works pro bono and has a great deal of support in this Village. He said that having an independent ZBA allows issues to be resolved here pro bono, rather than having to go out to Wheaton and that without their independent status, they could not perform this role.

Charles Landefeld at 723 W. North Street said he expected to see the sidewalk issue on the agenda tonight. Trustee Follett replied that it was not on the Consent Agenda because the neighborhood asked that it be handled separately, which it will.

VILLAGE PRESIDENT'S REPORT

President Woerner said that this administration made a commitment to better communication and that they have made great strides, citing the television coverage, newsletters and 628,000 hits on our website in July, but that more could be done. He noted that we do not do enough to publicize our community. He requested that the ACA take up the issue of improving communications.

REWRITE OF ZONING CODE

President Woerner said he would like authorization to proceed with creating a task force to review and rewrite the Village Zoning Code. A lengthy discussion ensued among the Trustees about whether the code needs to be rewritten or revised. Trustee Cauley questioned whether the Code needs to be rewritten and expressed concern that the process would be expensive and stated that the Code provides protection to our residents. President Woerner pointed out that the code was addressed historically every few years but it hasn't been done in the last 17 years, except as separate amendments. He also said that 40% of the town is non-conforming, resulting in spot zoning. Trustee Orlor stated that a lot of our Code is contradictory with other parts of the Code, and some issues need updating such as floor-area ratio, storm water management, multifamily housing. Trustee Follett assured that the process would include public hearings. President Woerner said that task force would study the issues, hold public hearings and make recommendations to the Board.

APPOINTMENTS TO BOARDS, COMMISSIONS AND TASK FORCES

Trustee Follett moved to Approve the appointment of Jeff Findlay as Chairman, and Coleman Tuggle, Paul Anglin, Libby Wood and Jim Weil as Members of the Zoning Code Rewrite Task Force. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None. Chairman Jeff Findlay then spoke saying they would take a technical look at the code and try to highlight areas where there are conflicts.

APPOINTMENT OF SPECIAL COUNSEL TO REPRESENT THE ZBA

Village Attorney Florey explained that the Village and the ZBA are involved in a number of pieces of pending litigation and that there is a difference of opinion between the Board and the ZBA on the Baldwin litigation regarding whether the ZBA has jurisdiction in this case. He recommends to the Board that they select special counsel on the Baldwin case to work with the ZBA to express their point of view. He advised that on other occasions the Board has appointed special counsel to

work on a specific duty. He said the firm selected by ZBA Chairman Tom Nelson is well known in the Western suburbs. Trustee Williams moved to Approve the appointment of Kenneth Vankow of the firm of Clingen, Callow & McLean, LLC as special counsel to work with the Village of Hinsdale Zoning Board of Appeals solely in the case of the Village of Hinsdale v. Foxford, LLC, et al., Case No. 2007-CH-001334, which is pending before the Eighteenth Circuit Court, with a maximum budget of \$10,000 and a maximum hourly rate of \$195.00 per hour. Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

RULES AND PROCEDURES FOR STANDING COMMITTEES

The following item was separated from the Consent Agenda for separate discussion and vote. Trustee Orler explained that he recommends a 4 minute limit for public comment at committee meetings, saying he believes that it would not only move the meetings along, but also encourage people to better organize their thoughts. Enforcement would be at the discretion of the chairman. Trustee Orler moved Approval of the Rules and Procedures for Standing Committees. A correction was made to remove the word "Bard" (Board) from the text of the motion; the motion refers only to committees not boards. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Orler, Williams, and Schultz voted Aye. Nays: Trustees Cauley and Smith. Absent: None.

TEMPORARY PARKING REGULATIONS

The following item was separated from the Consent Agenda for separate discussion and vote. Trustee Orler moved Approval to enact temporary parking regulations under provisions of Village Ordinance 6-2-3-5, Paragraph B to Central Business District Parking Permit Areas and Time Zones for 90 days effective October 1, 2007. There was a discussion of these changes, and Trustee Orler pointed out that Police Chief Bloom suggested that residents with temporary parking needs, such as for service vehicles, can contact the police department to see if their need can be accommodated. Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

CONSENT AGENDA

President Woerner presented the following Consent Agenda items for approval.

**ITEMS RECOMMENDED BY THE ADMINISTRATION & COMMUNITY
AFFAIRS COMMITTEE**

Item #1: Move to Approve an ordinance authorizing disposal of personal property owned by the Village of Hinsdale – miscellaneous computer equipment. (Omnibus vote) (O2007-58)

Item #2: Move to Approve a professional services agreement with Direct Advantage to provide marketing services for an amount not to exceed \$112,500 upon review and approval of the Village Attorney. (Omnibus vote)

**ITEMS RECOMMENDED BY THE ENVIRONMENT & PUBLIC SERVICES
COMMITTEE**

Item #3: Move to Adopt an ordinance vacating the west half of public alley right-of-way adjacent to and east of 803 S. Thurlow Street and a purchase price of \$18,000. (Omnibus vote) (O2007-59)

Item #4: Move to Adopt an ordinance vacating the entire public alley right-of-way adjacent to and east of 122 E. Hickory and a purchase price of \$78,000. (Omnibus vote) (O2007-60)

Item #5: Move to Approve the mosquito abatement services of Clarke Mosquito Control in the amount of \$12,084.06. (Omnibus vote)

Item #6: Move to Approve an ordinance authorizing the sale by auction of personal property owned by the Village of Hinsdale – three Village vehicles. (Omnibus vote) (O2007-61)

Item #7: Move to Approve the purchase of a 2008 International 7400 truck for \$88,403 from Prairie International Trucks under state contract #PSD 4013407. (Omnibus vote)

Item #8: Move to Waive building permit fees exclusive of direct costs for the Wellness House related to installation of a ground sign and awning located at 131 North County Line Road. (Omnibus vote)

Item #9: Move to Approve a certain contract change order for the Chestnut Street Parking Lot in the amount of \$16,800.00 (Omnibus vote)

Item #10: Move to Approve a resolution for maintenance of streets and highways by municipalities under the Illinois Highway Code – appropriating \$75,000 for the Annual 50/50 Sidewalk Program for the repair of existing walks utilizing Motor Fuel Tax funds. (Omnibus vote) (R2007-16)

Item #11: Move to Approve a resolution for endorsing the Metropolitan Mayors Caucus' Greenest Region Compact. (Omnibus vote) (R2007-17)

Trustee Williams moved to approve the above items. Seconded by Trustee Follett. Passed on omnibus roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

ADMINISTRATION AND COMMUNITY AFFAIRS

ACCOUNTS PAYABLE

Trustee Smith moved the Approval and payment of the Accounts Payable for the period of July 13, 2007 through August 10, 2007 in the aggregate amount of \$2,079,863.54 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk. Seconded by Trustee Orlor. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

CHANNEL 6 UPDATE

Trustee Orlor provided the following updates involving more structured programming on our Channel 6 coverage.

- Live Broadcasts:
We will be broadcasting every Board, Committee and Commission meeting live at a standard time of 7:30 p.m.
Rebroadcasts of the meetings will generally be at 1:00 p.m. and 10:30 p.m. – a schedule will be published.
- In-Sourcing
With the installation of remote cameras, we will be able to in-source video taping of the meetings
With the cost savings of in-sourcing, we will hire a part-time intern to handle taping and programming
- The Hinsdale Vibe - Information on hot topics every night from 7:00 to 7:30 p.m.
- Hinsdale Broadcast Club will have time from 7:00-8:00 a.m. and 6:00-7:00 p.m. daily
- Establish an editorial committee consisting of the ACA Chairman, Village President, and Village Manager
- Allowing any of our licensed businesses to create segments up to 2 minutes long to drive awareness around their businesses.

FINANCE COMMISSION RECOMMENDATIONS

Trustee Orler advised that the Finance Commission has come up with an overall plan to finance infrastructure improvements, so that we could replace roads and sewers over a 17-year period and deal with underground utilities. Assuming a 1% sales tax increase referendum passes, this could be funded without going to residents for a property tax increase. Also, a phone survey will be done in September polling residents about the sales tax and the ComEd issue.

TECHNOLOGY TASK FORCE RECOMMENDATIONS

Trustee Orler advised that the Technology Task Force is studying cellular phone service. The Task Force has asked the Village to work with cell companies to identify locations to improve cell coverage. They will also go back to District 86 and 181 to help achieve that.

ZONING AND PUBLIC SAFETY

Trustee Smith stated that there was no meeting.

ENVIRONMENT AND PUBLIC SERVICES

Trustee Follett advised that the Committee has had discussions about forming a Green Task Force (to complement the Greenest Region Compact), a “no idle” ordinance and a central business recycling program. In addition, they have been working with schools, staff and the Police Department to put together a 3-year plan to complete what was identified as the critical sidewalk network. She explained that the time frame for installing the sidewalk on 8th had been stepped up due to the need to install a storm water pipe there. After long conversations with 8th Street residents, the EPS voted last night to take the sidewalk half way for now (Grant to Madison), and handle the rest at the end of the 3-year cycle. She said that the critical network map will be posted on the website and signs will be posted on streets so that residents will have a longer lead time to move landscaping that they may have placed in public right of way. She added that 700 South Monroe site provides a challenge because of the dramatic elevation change.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

Trustee Williams said that many residents have been requesting that we keep working on the municipal electrical initiative and keep talking with Com Ed, which she and Village Manager Cook and Staff have been doing. She advised that Com Ed is not willing to address either of the two critical issues believed to be affecting the reliability of our service: burial of utility lines and upgrading our equipment in Hinsdale. She reported that they will established a Village hotline to report service problems and they will establish a mechanism so residents can report problems to the Illinois Commerce Commission to keep putting pressure on Com Ed. They have also done research on engineering consultants and conferred with other energy providers to determine what would have leverage with Com Ed. She explained that the issue before the Board tonight is to approve a cost expenditure of \$35,000 to hire a certified engineering consultant to put a value on the Com Ed system in Hinsdale. She explained that the consultant that we hired to study the feasibility of the system is not certified to do the appraisal. Village Manager Cook further explained that this step is important to keep the process moving forward in timely fashion and proceed with a referendum.

Trustee Williams moved to Approve a proposal from AUS Consultants to appraise the Village's electrical distribution system at a cost of \$35,000 plus expenses. Seconded by Trustee Schultz. Passed on roll call vote. Seconded by Trustee Orlor. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

STAFF REPORTS

No reports.

CITIZENS' PETITIONS

Nick Etten of 1214 Hawthorne questioned whether tonight's plan to rewrite the Code is a veiled attempt to convert the ZBA from a judiciary to an advisory role, which failed to pass at a previous meeting. President Woerner assured Mr. Etten that this was not the case. Trustee Orlor clarified that his motion was to take the ZBA issue to a public hearing, rather than to actually make the change to an advisory role.

Charles Landefeld at 723 W. North Street, asked why the Board didn't vote on approval of the two sidewalks tonight. Village Manager Cook said that the EPS had directed Staff to obtain bids and they would bring the bids to the Board for approval.

Bob Neiman of 326 N. Garfield requested that the litigation regarding the Hinsdale Club not be referred to as the Baldwin litigation. He stated that it's the plaintiff's name that is used for the name of the litigation and that the Baldwin's did not bring the lawsuit.

Kim Angelo on the ZBA clarified that the parties named in the litigation were the ZBA and its individual members, therefore they, not the Village, were Attorney Florey's clients. He stated that the ZBA discharged him last week because he had a clear conflict of interest because he represented the Village against the ZBA in the Foxford litigation. He further stated that at no time in the last 2 years has Mr. Florey indicated that he represented the Village in these actions.

ADJOURNMENT

Trustee Schultz moved to adjourn the meeting to Closed Session for the purposes of discussing pending and potential litigation and personnel and appointing members to other advisory commissions and boards and bodies not to reconvene in Open Session. Seconded by Trustee Follett. There was a discussion about the topic of the Closed Session and whether it fell under the Illinois guidelines for Closed Sessions. Village Attorney Florey explained that under 5 ILCS 120/2(c) (1)/ (2)/ (3)/ (11) the topic qualified. Passed on roll call vote. Trustees Follett, Orlor, Williams, and Schultz voted Aye. Nays: Trustees Cauley and Smith. Absent: None.

Meeting adjourned at 9:24 p.m.

ATTEST: _____
Barbara J. Grigola, Village Clerk