

Minutes - October 3, 2005

A WORK SESSION WAS CALLED TO ORDER AT 7:05 P.M. BY CITY CLERK COLEMAN FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 3, 2005 AGENDA WITH THE CITY COUNCIL.

ELECTION OF MAYOR PRO-TEM

Clerk Coleman stated that due to a family commitment, Mayor Soldato was unable to attend the meeting. Clerk Coleman asked Council for nominations for Mayor Pro-Tem.

It was motioned by Alderman Poteraske and seconded by Alderman Marchese to appoint Alderman Richard Biehl as Mayor Pro-Tem. There being no other nominations, she closed the election and called for the question.

Roll Call: Ayes: Gattuso, Marchese, Mclvor, Poteraske

Nays: None

Abstain: Biehl

Absent: Durkin, Weaver

Results: Ayes 5, Nays 0, Absent 2 MOTION DULY CARRIED

THE SESSION ADJOURNED AT 7:10 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
OCTOBER 3, 2005

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Pro-Tem Biehl.

2. PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Biehl led the Council and audience in the Pledge of Allegiance.

3. ROLL CALL — The Roll Call of Aldermen by Clerk Coleman was as follows:

Present: Richard A. Biehl Sylvia Mclvor Carolyn A. Gattuso John F. Poteraske, Jr. Joseph A. Marchese
Kathleen Moesle-Weaver

Absent: William R. Durkin

Also in Attendance: Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer John B. Murphey,
City Attorney Bryon D. Vana, City Administrator Robert Pavelchik, Chief of Police Daniel Gombac,
Director of Community Development/Public Works

4. DECLARATION OF A QUORUM — There being six Aldermen present, Mayor Pro-Tem Biehl declared a quorum.

5. APPROVAL OF MINUTES — September 6, 2005 and September 19, 2005

It was moved by Alderman Poteraske and seconded by Alderman Gattuso to approve the Minutes of the Regular Meetings of September 6, 2005 and September 19, 2005, as presented.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman McIvor was copied on correspondence directed to Mayor Soldato from Katherine Sutherland, 3301 Pitcher Drive, in regard to maintenance of pond within the subdivision. Alderman McIvor indicated that the City would investigate to determine which governmental entity was responsible for the pond's maintenance.

Alderman Biehl received correspondence from Jack Morge of Crest Road; he was concerned about new signage located at Wendy's, Plainfield Road & Route 83, which stated that the restaurant would be open until 2:00 A.M. Alderman Weaver requested that 'hours of operation' be placed on a Goal Setting Session agenda for discussion. Administrator Vana noted that the Council sent the topic to the Planning and Zoning Commission for consideration to have all food establishments as a Special Use; he indicated that staff was working with the Commission to develop criteria, finalize it, hold a public hearing, and make a recommendation to Council.

Alderman Weaver said that Administrative Assistant Coren has been doing a good job of following up with ComEd in regard to 'brown outs' within the Woodlands subdivision.

7. MAYOR'S REPORT

A. MAYORAL PROCLAMATION "RESPECT LIFE WEEK" (October 2-8, 2005)

Mayor Pro-Tem Biehl read the Proclamation and declared the week of October 2 through 8 as 'Respect Life Week'. He urged citizens to take cognizance of the special events arranged for this time. Margaret Edwards accepted the Proclamation; she thanked Council for the recognition and stated that the Proclamation would be posted at the Indian Prairie Library.

B. MAYORAL PROCLAMATION "NON-PROFIT ORGANIZATION DAY" (October 3, 2005)

Mayor Pro-Tem Biehl read the Proclamation and stated that it would be mailed to Community Memorial Foundation.

C. MAYORAL PROCLAMATION "DARIEN LIONS CLUB CANDY DAYS" (October 14 and October 15, 2005)

Mayor Pro-Tem Biehl read the Proclamation; he proclaimed Friday, October 14th, and Saturday, October 15th, as 'Darien Lions Club Candy Days'. President O'Malley, Candy Day Chairman Donner and Business Chairman Kaiser of the Darien Lions accepted the Proclamation. Chairman Donner thanked Council; he stated that the proceeds from the fundraiser would assist the blind and hearing impaired.

D. COM ED UPDATE

George Lofton, ComEd Vice President External Affairs & Claims, commented that at the September 6th Council meeting ComEd indicated that monthly customer charges for those affected by the Downers Grove fire would be considered; he noted that customer charges had been reduced for those customers. In addition, good will payments in the amount of \$50.00 American Express checks had been mailed to over 740 Darien residents who were impacted by the misread of service restoration times on August 12th.

Cornell Barnett reviewed ComEd's 'Reliability Action Plan', which included: * Identified corrective maintenance items that resulting in an additional sixteen priority corrective measures to be completed by 12/15/2005. * Identified 'pocket' reliability issues, the investigation is ongoing; tree trimming for areas identified on 09/06/2005 to be completed by 10/31/2005. * Investigation report of Downers Grove substation fire due by 10/31/2005. * Review of the Burr Ridge substation was completed; review of Downers Grove and Woodridge substations were on track. * Maintenance inspections of all circuits have been completed. * Plan to address reliability issues found during inspections to be developed; six to be completed in 4th Quarter, 2005; additional circuits to be completed in 1st Quarter, 2006.

Mr. Barnett submitted a 'Sample Letter' that would be sent to residents. He indicated that he and Administrative Assistant Coren communicated in regard to the 'brown outs' in the Woodlands; he said that the outside customer panel was checked twice and further investigation would be scheduled.

There was discussion regarding the Reliability Action Plan; Alderman McIvor requested that a bullet list of the specific items be presented at the next Council meeting. Alderman Biehl expressed concern about various power outages. Alderman Poteraske noted that a significant outage was reported to the City by ComEd but the City was not receiving information about lesser outages; he requested a report on all outages regardless of time. Alderman Poteraske spoke about low voltage within Darien; Mr. Barnett responded that he would provide information to Council at the next meeting.

8. CITY CLERK'S REPORT

A. 2006 VEHICLE STICKER LOTTERY

Clerk Coleman stated that since 1992 Council permitted non-for-profit organizations the opportunity to design and sell stickers to raise funds for their specific organization because residents were not mandated to purchase City vehicle stickers. She indicated that letters had been sent to ten (10) eligible non-for-profit organizations; two (2) organizations responded that they wanted to participate in the lottery: Darien Woman's Club and Safety Village of Darien. She asked Attorney Murphey to draw the winning ticket; the 2006 Vehicle Sticker Lottery winner was Safety Village of Darien.

Clerk Coleman...

... announced that the Fire and Police Commission changed the start time of their meetings from 7:30 P.M. to 7:00 P.M. and that they usually meet on the first Tuesday of each month. ... invited everyone to join Mayor Soldato for Coffee on Saturday, October 15th, from 9:00 A.M. until 10:00 A.M., in the Council Chambers at City Hall.

... noted that the Environmental Committee scheduled a SPECIAL meeting for Thursday, October 6th, at 7:30 P.M. in the Upstairs Conference Room at City Hall in order to discuss ARC proposal to modify recycling pickup.

... stated that the Local Liquor Control Commission scheduled a hearing on October 17th at 5:00 P.M. in City Hall to consider whether the liquor license of Carriage Way West d/b/a Carriage Greens Country Club should be suspended, revoked and/or whether a fine should be levied against the licensee.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana stated that the Darien Park District planned a 'Grand Opening' at Holly Park; they invited Mayor Soldato to have his Coffee at Holly Park on Saturday, October 15th.

Alderman Biehl inquired about tree plantings at the north and east ends of the Crest Road Basin and if plantings would be placed along Plainfield Road. Director Gombac said that fifteen (15) larger trees, sixty (60) low shrubs, and approximately eighty (80) dogwoods would be planted on the north and east ends of the Basin; work was scheduled to begin in two weeks. He noted that nothing would be planted along Plainfield Road.

10. DEPARTMENT HEAD REPORT

Police Chief Pavelchik...

... noted that Officer Stutte and Canine Rolf assisted the Bellwood Police Department and they located drugs; Officer Lis and Canine Quanto assisted the Village of Lisle and they located a perpetrator. He thanked Council and citizens for their support of the canine program.

... spoke about two organizations that donations could be made to: * 'Hundred Club' – which consisted of business members within the community; they support local law enforcement and emergency medical services in their time of need. He said that an Awards Dinner was scheduled for October 26th at the Hilton in Lisle. * 'COPS' (Concerns of Police Survivors) - an organization that supports family members and loved ones left behind due to an officer killed in the line of duty. He indicated that the local COPS Chapter was having a meeting at the Darien Police Department on November 12th.

... commented that Halloween was always a safety concern for the Police Department. He indicated that letters would be sent home with children, through the schools; the letters would advise parents to be aware of who their children were with, what they were wearing, where they were going, and what they brought home. He encouraged parents to take advantage of the Darien Lions Club Halloween Party held at the Sportsplex on October 31st.

Administrator Vana commented about the worthwhile organizations that the Chief mentioned for donations; he asked the Chief to provide information about other organizations. Chief Pavelchik stated that if you were to make a donation, make it to one that the individual/consumer/resident selected, to pick and choose carefully, but be leery of people who approach you. He said that if you receive an email that requested personal bank information, do not respond; the information process should be originated by you not them. There was discussion about telephone solicitation.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-10

It was moved by Alderman Marchese and seconded by Alderman Gattuso to approve payment of Warrant Number 05-06-10 in the amount of \$123,122.68 from the General Fund; \$15,255.28 from the Water Fund;

\$15,260.15 from Motor Fuel Tax Fund; \$912.33 from the Darien Area Dispatch Center Fund; \$300.00 from the Joint Use Facility Fund; \$182,138.58 from the General Fund Payroll for the period ending 09/29/05; \$20,626.57 from the Water Fund Payroll for the period ending 09/29/05; \$25,798.43 from the D.A.D.C. Fund Payroll for the period ending 09/29/05; for a total to be approved of \$383,414.02.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the SPECIAL meeting held on August 23, 2005. She indicated that the Committee would meet on Monday, October 10th, at 6:30 P.M.

Planning/Development Committee — No report. Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no Agenda Related Questions or Comments to come before the City Council.

14. OLD BUSINESS

There was no Old Business to come before the City Council.

15. CONSENT AGENDA

Alderman Weaver asked that Consent Agenda Items C and D be moved to New Business; they were moved to New Business as Items D and E, respectively.

It was moved by Alderman Poteraske and seconded by Alderman Gattuso to approve by Omnibus Vote the following items on the Consent Agenda:

A. CONSIDERATION OF A MOTION TO REVIEW AND APPROVE THE ADOPTION OF A PROCUREMENT CARD POLICY WITHIN THE CITY OF DARIEN

B. RESOLUTION NO. R-30-05 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF DARIEN AND J. P. MORGAN CHASE BANK

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE APPOINTMENTS TO CITIZEN OF THE YEAR COMMITTEE: KATHY ABBATE, DEBBY HENIFF, KATHY LYONS, FRAN MAZZOLINI, AND ED SAWICA

It was moved by Alderman Marchese and seconded by Alderman Gattuso to approve appointments to Citizen of the Year Committee: Kathy Abbate, Debby Heniff, Ed Henry, Kathy Lyons, Fran Mazzolini, and Ed Sawica, as presented.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

Clerk Coleman administered the Oath of Office to Committee members Kathy Abbate, Debby Heniff, Ed Henry, Kathy Lyons, Fran Mazzolini, and Ed Sawica. They received congratulations and applause from the Council and audience.

B. CONSIDERATION OF A MOTION TO APPROVE FIRST AMENDMENT TO ANNEXATION AGREEMENT (2305 SOKOL COURT/ "THE HIGHLAND" CONDOMINIUM DEVELOPMENT FORMERLY KNOWN AS "THE RESERVE") (PZC 2005-09: 2305 SOKOL COURT, THE HIGHLAND)

It was moved by Alderman Weaver and seconded by Alderman Gattuso to approve

ORDINANCE NO. O-30-05 FIRST AMENDMENT TO ANNEXATION AGREEMENT (2305 SOKOL COURT/"THE HIGHLAND" CONDOMINIUM DEVELOPMENT FORMERLY KNOWN AS "THE RESERVE") (PZC 2005-09: 2305 SOKOL COURT, THE HIGHLAND) as presented.

Attorney Murphey commented that the Amendment to the Annexation Agreement required a favorable vote of 6 Ayes.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A SUBSTANTIAL CHANGE TO AN APPROVED PLANNED UNIT DEVELOPMENT AND GRANTING PRELIMINARY PUD APPROVAL (2305 SOKOL COURT/"THE HIGHLAND" CONDOMINIUM DEVELOPMENT FORMERLY KNOWN AS "THE RESERVE") (PZC 2005-09: 2305 SOKOL COURT, THE HIGHLAND)

It was moved by Alderman Gattuso and seconded by Alderman McIvor to approve

ORDINANCE NO. O-31-05 AN ORDINANCE APPROVING A SUBSTANTIAL CHANGE TO AN APPROVED PLANNED UNIT DEVELOPMENT AND GRANTING PRELIMINARY PUD APPROVAL

(2305 SOKOL COURT/"THE HIGHLAND" CONDOMINIUM DEVELOPMENT FORMERLY KNOWN AS "THE RESERVE") (PZC 2005-09: 2305 SOKOL COURT, THE HIGHLAND) as presented.

Clerk Coleman inquired if the buildings would have a flat roof; the response was 'yes'.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

D. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A FINAL PLAT OF RESUBDIVISION (PZC 2005-02: 7529 MAIN STREET/ADVYDAS RESUBDIVISION)

It was moved by Alderman Weaver and seconded by Alderman Poteraske to approve

ORDINANCE NO. O-28-05 AN ORDINANCE APPROVING A FINAL PLAT OF RESUBDIVISION (PZC 2005-02: 7529 MAIN STREET/ADVYDAS RESUBDIVISION) as presented.

Alderman Weaver raised concerned about the proposed 87' wide cul-de-sac; Director Gombac said that the cul-de-sac would be an improvement, and that lot widths would have been reduced to fit a 100' cul-de-sac. Alderman Marchese noted that the Planning/Development Committee was concerned about setbacks and the lots; he said they considered the Fire Department's concerns and recommendation; the Committee supported the proposed width. Director Gombac indicated that the property on the west was not being zoned or built upon. He said that the proposed right-of-way would be less than required, that the City would have to accept half the cul-de-sac and wait for the next property owner to complete the cul-de-sac.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

E. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING TITLE 5A, CHAPTER 2, SECTION 5A-2-2-3(G) OF THE DARIEN CITY CODE (VARIATION STANDARDS)

It was moved by Alderman Weaver and seconded by Alderman Poteraske to approve

ORDINANCE NO. O-29-05 AN ORDINANCE AMENDING TITLE 5A, CHAPTER 2, SECTION 5A-2-2-3(G) OF THE DARIEN CITY CODE (VARIATION STANDARDS) as presented. Alderman Weaver felt that numbers 1 and 5 had not been changed, that they remained the same. Alderman Poteraske commented that 'unusual hardship' was hard to prove and that was the reason for the revision in number 2. Attorney Murphey said that the proposal focused on the property itself instead of a comparison to the relationship to other properties; he provided an example, i.e., a block with smaller houses and if someone wanted to place a house that dwarfed the others; he stated that the variation would provided more flexibility to balance a variation request.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

Results: Ayes 6, Nays 0, Absent 1 MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

There were no Questions, Comments or Announcements to come before the Council.

18. ADJOURNMENT

There being no further business to come before the City Council, it was moved by Alderman McIvor and seconded by Alderman Gattuso to adjourn.

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:45 P.M.

Mayor

_____ City Clerk

JFC/jr All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 10-03-05.