

**MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE MEETING
April 26, 2010**

PRESENT: Alderman Joseph Marchese, Alderman John Galan, Alderman Ted Schauer,
Dan Gombac-Director, Michael Griffith – Senior Planner, Elizabeth
Lahey-Secretary

ABSENT: None

Chairperson Marchese called the Municipal Services Committee Meeting to order at 6:30 p.m. at City Hall – City Council Chambers, Darien, Illinois and declared a quorum present.

NEW BUSINESS

A. Ordinance – 6800 Route 83 Stonecraft – construct a detached accessory structure, a gazebo within front yard.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated the petitioner proposes to make improvements to the façade of the shopping center using stone, construct stone railings, a new free-standing sign using stone and a gazebo using stone. He further stated the variation is related to the gazebo, to permit a detached accessory structure within the front yard.

Mr. Griffith stated a public hearing was held and the PZC recommended approval. He stated there were no residents at the meeting to voice concerns.

Mr. Dan Gombac, Director, stated the petitioner was not present because he was in the hospital over the weekend.

Alderman Galan stated that the proposed plan will enhance the look of the strip mall.

Alderman Schauer stated that he thought that the plan looked great.

Mr. Gombac presented the sample stone material to the Committee.

There was no one in the audience wishing to present public comment.

Alderman Schauer made a motion and it was seconded by Alderman Galan that based upon the submitted petition and that information presented, the request associated with PZC 2010-01 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010.

B. Ordinance – PetSmart, Darien Towne Centre, 2153 75th Street – Major Amendment to the Darien Towne Centre Planned Unit Development (PUD) to allow an additional use within the PUD, a kennel (pet hotel) with the PetSmart store.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated the PUD Ordinance regulates permitted uses. He further stated the petitioner proposes to include a pet hotel, or kennel, within the store. Mr. Griffith stated the petitioner provided information on how the facility will operate and that all operations will be inside. He stated the pet hotel will be staffed 24 hours, 7 days per week, with an emergency veterinarian available. He stated the PZC held a public hearing and recommended approval. He further stated the attorney for the petitioner was present.

Alderman Schauer questioned if the entrance would be through the front of the store.

Mr. Griffith stated that the entrance to the store will remain the same.

There was no one in the audience wishing to present public comment.

Alderman Galan made a motion and it was seconded by Alderman Schauer that based upon the submitted petition and the information presented, the request associated with PZC 2010-03 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010.

C. Ordinance – 7620 Wilton Court – Construct a second driveway onto an interior lot.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated the case relates to recreational vehicles, regarding parking and storing on residential property. Mr. Griffith stated the Code specifies size, length, and for temporary storage and unloading.

Mr. Griffith stated the variation is to permit a second curb cut onto the lot for a driveway related to the construction a detached garage to store the petitioner's boat. He stated that currently the boat is on the driveway in the front. He further stated this petition relates to a code enforcement matter and the petitioner is attempting to address the code violation.

Mr. Griffith stated that the proposed garage meets the City Code but that the variation is to allow for a curb cut for the driveway. He reported that the PZC held a public hearing and that the Committee recommended denial based on safety concerns on Manning Road.

The petitioners Ted and Diane Schimel were present in the audience.

Chairperson Marchese questioned how often the petitioners use the boat.

Mr. Schimel stated they use the boat once or twice a week leaving around 3:00 a.m. and returning back home at noon or 1:00 p.m.

Chairperson Marchese questioned if the petitioner explored the cost for storage. He stated the turf easy block is an expensive product.

Mr. Schimel stated he explored storage options but he would not have access to the boat during the hours it was used.

Alderman Galan stated that he looked at the property. He stated the petitioner is trying to comply. Alderman Galan stated he read the correspondence in the report from the nearby residents and they have a valid point and he feels the frustration. He asked if there was any other option the City could recommend without building the garage.

Mr. Griffith stated that the Code requires that the boat be placed on a pad only. He stated staff has met with the petitioner to discuss other options. Mr. Griffith stated even if the existing driveway was extended through the south side yard, a variation would still be required due to setback and would encroach into the easement. He also stated that the area is not flat.

Mr. Griffith stated that if the driveway is extended through the north side yard, there seems to be room, but the roof overhang may cause a conflict. He stated that the present proposal appears to be the most minimal approach. Mr. Griffith stated the curb cut is the issue, not the garage.

Mr. Dan Gombac, Director, stated the paver brick material the proposed plan includes is made out of stone and filled with topsoil and grass and is eco-friendly and provides the ability to drive over. He stated this commonly used when provided emergency access to developments.

Alderman Galan stated he was not sure the curb cut is something the City should allow.

Alderman Schauer stated he was concerned if approved this would allow for many future requests for variations.

Chairperson Marchese stated the petitioners are trying to comply and because of the hours they use their boat they cannot put their boat in storage. He stated he has a problem with the responses from the PZC, that it is the roll of the City Council to examine the proposal. Chairperson Marchese explained the Planning and Development Committee spent months on the Ordinance knowing that each issue would have to be addressed separately.

Alderman Galan explained the PZC members are volunteer citizens. He stated that there were a number of neighbors who petitioned they did not want this and that they are fine with the boat in the driveway. He further stated the petitioner is trying to do what is right and now he is stuck.

Mr. Schimel stated there are a lot of boats in driveways. He stated Commissioner Robert Erickson who serves on the PZC has a boat parked on his driveway.

Alderman Galan stated the City does not have Ordinance police.

Chairperson Marchese explained it took the Committee seven months to develop the Ordinance. He stated they listened to both sides and how recreational vehicle issues affect people in different ways. He further stated the Council members are constantly struggling on ways to balance the two.

Chairperson Marchese explained if the Committee does not recommend approval that the petitioner can still go to the City Council. He stated a supermajority of five of the seven Aldermen have to approve the Ordinance.

Mr. Schimel stated that prior to purchasing his boat he asked the City in 2003 if there were any requirements and the City stated that there were none.

Chairperson Marchese stated that the changes occurred in 2008.

Chairperson Marchese opened the meeting to anyone in the audience wishing to present public comment.

Mr. Gupta, 7616 Wilton, stated that Mr. Erickson docks his boat.

Mr. Griffith stated that he drove pass the home and that the boat is there. He stated that staff responds based on complaints and that Mr. Erickson will be notified.

Mr. Gupta stated that maybe the best approach is to not allow recreational vehicles and boats at all.

Chairperson Marchese stated when the City was discussing the Ordinance, residents were invited to present public comments on what was agreeable to all.

Mr. Gupta stated there are a lot of emotions and this is something the City Council needs to look at again.

Chairperson Marchese stated the Committee was not addressing changing the Ordinance but rather addressing the petition.

Alderman Galan made a motion and it was seconded by Alderman Schauer to recommend to the City Council denial of the petition based on the proposed driveway cut onto Manning Road creating a safety hazard.

Alderman Marchese – NAY

Alderman Galan – AYE

Alderman Schauer AYE

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010 and that a supermajority will be required for it to pass.

D. Ordinance – 1418 Greenbriar – Reduce the interior side yard setback.

Mr. Griffith, Senior Planner, presented the staff report. He stated the variation is related to a parking pad on the side of the garage. He further stated the petitioner is proposing to widen the parking pad, requesting to reduce the side yard set back from 5 feet to 3 ½ feet.

Mr. Griffith reported the PZC held a public hearing and recommended denial. He stated there were many residents who objected to the variation but there were more comments regarding the recreational vehicle alone. He further stated that presently the recreational vehicle is located on the side of the house but that it does not fit on the pad.

Alderman Galan questioned if it is in compliance with the Ordinance.

Mr. Griffith stated the RV is not in compliance. He stated the parking pad as constructed is in compliance. He stated the RV partially extends past the front of the house and a portion of the RV is off the concrete pad.

Alderman Galan explained to the audience that the Ordinance at the time seemed like a good fit and the City tries to legislate “good neighborism”. He stated no one wins. He further stated that because the vehicle will encroach he understands the concerns of the neighbors.

Chairperson Marchese stated he visited the site and the bushes and possibly the fence would have to be taken down.

Alderman Schauer stated the back of the recreational vehicle is passed the house.

Mr. Griffith announced the petitioner was not present.

Chairperson Marchese opened the meeting to anyone wishing to present public comment.

Mr. Mike Boyle, 1414 Greenbriar, stated he lived next to the petitioner. He provided the Committee with photos of the area and stated the vehicle just does not look good. Mr. Boyle stated there should have been more thought involved when creating the Ordinance. He stated he had a problem with the language, the petitioner’s side lot is his front lot and the recreational vehicle sits out in front of everything.

Mr. Boyle stated the petitioner does not have to look at the vehicle because there are no windows at his home looking at it. He stated he discussed with Mr. Scott Coren when the pad was poured that it was not poured to the drawings. He further stated the vehicle ruins his property value and the residents do not want this and it is out in front of everything.

Chairperson Marchese stated the Committee has to follow the Ordinance.

Mr. Boyle stated the petitioner stated that he would chop off his roof line to make the vehicle fit.

Alderman Galan questioned if doing this would require a permit.

Mr. Griffith stated a permit would be required.

Alderman Galan stated when the Ordinance was changed there weren't a lot of people giving insight until there was a result. He stated the City cannot please everyone and the Committee is looking at issues per the Ordinance. Alderman Galan stated he did not agree with the variation because of how close he is to the next door neighbor's home.

Chairperson Marchese stated the Ordinance was changed because of logged complaints about recreational vehicles, trailers and boats. He stated the Planning and Development Committee looked at other communities and Darien's situation and listened from both sides. He further stated the Ordinance took 7-8 months to develop and it is tougher now than it was in 2003.

Alderman Schauer asked by a vote of hands in the audience who was against the variation.

The majority of the audience members showed their hands against the variation.

There was no one else wishing to present public comment.

Alderman Galan made a motion and it was seconded by Alderman Schauer to recommend denial of the petition for a variation because of the proximity of the neighbor near the side yard and side back.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010. He stated that he did not want the discussion to be on the validity of the Ordinance. He further stated that it is a good Ordinance and that it worked at this meeting.

Alderman Galan suggested that any resident wishing to voice their concerns can address them at the City Council meeting under Open Discussion.

E. Resolution – Illinois Department of Transportation Agreement for Maintenance in Right of Ways.

Mr. Dan Gombac, Director presented the staff report and stated that the Resolution allows the City to perform maintenance and emergency work on City owned infrastructure on State of Illinois maintained right-of-ways for 2010 and 2011.

There was no one in the audience wishing to present public comment.

Alderman Schauer made a motion and it was seconded by Alderman Galan to approve a Resolution allowing the City of Darien to perform maintenance and emergency work on City owned infrastructure on State of Illinois maintained right-of-ways for 2010 and 2011.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010.

F./G. Resolution - Street Light Installation – 700 block of Walnut Drive and Adams & Sleepy Hollow

Mr. Dan Gombac – Director presented the staff report and stated that the Resolution is to accept a proposal from Gaffney’s PMI for the purchase and installation of one street light at the 700 block of Walnut Drive in an amount not to exceed \$4,757.00 and also a Resolution to accept a proposal from Gaffney’s PMI for the purchase and installation of one street light at the northeast corner of Adams Street and Sleepy Hollow Lane in an amount not to exceed \$4,420.00.

Mr. Gombac reported that there were two people who were concerned with the glare and that they were informed that there would be light shields to prevent the glare.

Chairperson Marchese opened the meeting to anyone wishing to present public comment.

Mr. Vern Vojack, 1318 Greenbriar asked if the light was a post light or an overhang light.

Mr. Gombac stated that the light has a 25 foot street light pole and a mast arm with 6-8 foot hangover with a 250 pressure sodium vapor light.

There was no one else wishing to present public comment.

Alderman Schauer made a motion and it was seconded by Alderman Galan to accept a proposal from Gaffney’s PMI for the purchase and installation of one street light at the 700 block of Walnut Drive in an amount not to exceed \$4,757.00 and also to accept a proposal from Gaffney’s PMI for the purchase and installation of one street light at the northeast corner of Adams Street and Sleepy Hollow Lane in an amount not to exceed \$4,420.00.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010.

Mr. Gombac asked if the Committee would like to continue to review projects under \$5,000.

Chairperson Marchese stated that he preferred to see them.

H. Minutes – March 22, 2010 Municipal Services Committee

Alderman Schauer made a motion and it was seconded by Alderman Galan to approve the March 22, 2010 Municipal Services Committee Meeting Minutes with a correction on page 7 changing “pick-ups” to “days”.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

DIRECTOR'S REPORT

A. 2010 Fire Hydrant Flushing Summary

Mr. Dan Gombac, Director reported that hydrant flushing was completed and that staff identified 11 that needed maintenance. He reported that 9 hydrants were fixed and that 2 were not safe to use.

Alderman Galan asked if there will be a rotating schedule.

Mr. Gombac stated that this will be a yearly activity.

Chairperson Marchese asked if there was enough manpower or if it would have to be split up.

Mr. Gombac stated that he would prefer to see it all done at once on a yearly basis.

Alderman Galan stated that the Council recently agonized over brush pick-up. He questioned the costs.

Mr. Gombac stated that the cost is approximately \$3,500.

Alderman Galan stated that the cost is reasonable and that it doesn't make sense to spread it out. He questioned if there was a document outlining maintenance items such as hydrant flushing to reference in the Director's absence.

Mr. Gombac stated that a catalog is being created and will be presented to the Committee at the next meeting.

Alderman Galan stated that the catalog sounds great and that this is something that was never in place. He stated that it is good news and suggested that the catalog be available for people to see.

Mr. Gombac stated that the catalog will be a roadmap outlining the timeline.

B. Information – Saturday, April 10, 2010

Mr. Gombac reported that Alderman Halil received an email from a resident regarding overtime pay for employees cutting the grass after regular work hours.

Mr. Gombac stated that Alderman Poterasko asked for the costs. He stated that he provided the work detail and payroll expense for Saturday April 10th for grass cutting and water main break restoration but that the individuals cutting grass were part-time employees and while they are subject to overtime pay they had not worked forty hours for the payroll period and therefore not subject to overtime pay but that the additional task was water main break restoration at various overtime rates and that the cost was \$968.00.

Alderman Galan stated that this was a reasonable price for what was completed.

Mr. Gombac provided the Committee with an update on the curb and gutter projects and the ditch program. He stated that staff is still receiving calls from residents regarding the concrete program and that road patching will begin within the next two weeks. Mr. Gombac reported that he can provide a cost savings report at the end of August.

Chairperson Marchese suggested looking at the cost savings achieved and asking the City Council to do more.

Mr. Gombac announced that a tour to view the various ditch projects and road work would be scheduled for the next meeting in May.

NEXT MEETING

Chairperson Marchese announced that the next scheduled meeting will be held on Monday, May 24, 2010 with the tour beginning at 5:00 or 5:30 p.m. with the meeting to follow.

ADJOURNMENT

There being no other business before the Committee, Alderman Galan made a motion and it was seconded by Alderman Schauer to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:58 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Joseph Marchese
Chairperson

John Galan
Alderman

Ted Schauer
Alderman