

Minutes - March 18, 2002

Minutes of the Special Meeting
of the City Council of the
CITY OF DARIEN
MARCH 18, 2002

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:35 P.M. by Mayor Carmen D. Soldato.

2. PLEDGE OF ALLEGIANCE

Mayor Soldato led the Council and audience in the Pledge of Allegiance.

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

Present: Richard Biehl Joseph Marchese
Morgan Cotten James Tikalsky
Sean P. Durkin Kathleen Moesle-Weaver
David Hagen

Also in Attendance: Joanne F. Coleman, City Clerk
Arthur P. Donner, City Treasurer
John B. Murphey, City Attorney
Rick O. Curneal, City Administrator
Edward Musial, Chief of Police
JoEllen Charlton, Director Community Development
Robert Mengarelli, Asst. Director of Public Works
Robert Rodgers, Asst. Director of Public Works
Barbara Richards, Director of Finance/Administration

4. DECLARATION OF A QUORUM - There being seven Aldermen present, Mayor Soldato declared a quorum.

5. APPROVAL OF MINUTES - February 11, 2002

It was moved by Alderman Hagen and seconded by Alderman Cotten to approve the Minutes of the Regular Meeting of February 11, 2002 as presented. Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

APPROVAL OF MINUTES - March 4, 2002

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of March 4, 2002 as presented.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky

Nays: None

Abstain: Weaver

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl received telephone communication from Bruce Cheever, 610 71st Street, about parkway tree trimming and from Warren Anderson, 533 Chestnut Lane, concerning drainage in the side and rear yards of his property.

Alderman Tikalsky received a letter from a concerned Darien resident; the letter was unsigned, he acknowledged receipt and chose not to read it into the record.

Alderman Marchese was contacted by William Kohlsaas, 9017 Kilkenny Drive, who was concerned about safety due to the disrepair of Oldfield Road. Administrator Curneal responded that the cost estimate for repair was \$3 million and there was an \$800,000 surplus in the Motor Fuel Tax fund. He noted that the City would patch and replace as much of the road as possible. There was a question if the City had asked the Forest Preserve District for assistance; Administrator Curneal stated the Forest Preserve District had been contacted in regard to stormwater.

7. MAYOR'S REPORT

No Report.

8. CITY CLERK'S REPORT

Clerk Coleman...

... stated that the Environmental Committee meeting scheduled for Wednesday, March 20th, had been cancelled.

... noted that the Administrative/Finance Committee-of-the-Whole would meet on Wednesday, March 20th, at 6:30 P.M. in the Police Training Room.

... informed everyone that City offices would be closed on Friday, March 29th, in observance of Good Friday.

... reminded everyone that Tuesday, March 19th, was Election Day and urged all to exercise their right and vote. She reported that election results could be obtained by visiting the DuPage County Election Commission web site: www.dupageelections.com.

... commented that elected officials, and members of boards/commissions should have received "Statement of Economic Interest" forms from the DuPage County Clerk for completion, which need to be returned by May 1. She said that City Ethic Statements were recently mailed, needed to be completed and returned to the City Clerk's Office by May 1.

9. CITY ADMINISTRATOR'S REPORT

Administrator Curneal announced that the City received notification that for the seventh consecutive year it would receive the Certificate of Excellence for Financial Reporting from Government Finance Officers Association (GFOA).

10. DEPARTMENT HEAD REPORT

Community Development Director JoEllen Charlton...

... noted that Tuesday, March 19th, was Election Day and that Public Works, Police and Community Development were involved with removal of political signs. She said that a letter was sent to local campaigning candidates, which outlined political campaign sign requirements, particularly placement and disposal. She indicated that since February more than 300 campaign signs had been removed from rights-of-way and disposed of.

... updated Council regarding the Sievers Development office buildings on Plainfield Road near Bailey Road. She said that the development was to include three office buildings and a condition was that the 'old' Jordan house was to be demolished prior to granting occupancies. Due to circumstances, some provisions have been made with the advice of Attorney Murphey to grant temporary certificates of occupancy.

... spoke about Economic Development and that a resource, International Council of Shopping Centers, had been identified on-line. ICSC provides detailed information about retailers interested in various areas.

... commented that Brookhaven Shopping Center was on the Council agenda for an amendment to the PUD for enhancement to the facade; Safeguard Self-Storage and Kelley's Subdivision were scheduled for Plan Commission review.

... noted that future development included: Wight & Company on Cheese Road; Capital Estates on the Luperini property; Tim Ryan for development of residential on 67th Street; Sokol on Frontage Road; Phil Gardner property on Manning Road; project on Bailey Road south of Smart Oaks; Paul Shukis development north of Smart Oaks; Hinsdale South High School expansion of stormwater management; and Chestnut Court amendments for signage.

Alderman Weaver stated that residential development should not be considered for the area north of Glen Oaks on Cass Avenue. Director Charlton stated that Mr. Shukis proposed continuation of the residential development as planned, but to have a cul-de-sac with multi-family off of Cass Avenue. Staff made recommendations and the developer was in the process of changing the proposal.

11. TREASURER'S REPORT

A. WARRANT NUMBER 01-02-22

It was moved by Alderman Hagen and seconded by Alderman Tikalsky to approve payment of Warrant Number 01-02-22 in the amount of \$44,501.34 from the General Fund; \$6,788.18 from the Darien Area Dispatch Fund; \$2,992.69 Motor Fuel Tax Fund; \$4,933.41 from the Hotel/Motel Expenditures Fund; \$300.00 from the Joint Use Facility Fund; \$127,002.32 from the Water Operations Fund; \$151,274.91 from the General Fund Payroll for the period ending 03/07/02; \$13,141.58 from the Water Fund Payroll for the period ending 03/07/02; \$24,431.81 from the D.A.D.C. Fund Payroll for the period ending 03/07/02; for a total to be approved of \$375,366.24.

Alderman Durkin inquired about the Hotel/Motel Fund and Citizen of the Year Dinner/Dance.

Administrator Curneal explained the procedure utilized. Treasurer Donner stated that he would verify the procedure previously used.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

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 February 11, 2002 meeting and February 26, 2002 Committee-of-the-Whole meeting. She announced that the next scheduled meeting would be held on Monday, March 25th, at 6:30 P.M.

Planning/Development Committee - No report.

Public Works Water/Streets Committee - No report.

13. QUESTIONS AND COMMENTS - AGENDA RELATED

Bob Evans, 7800 Wakefield, stated that he had correspondence relating to Farmingdale Ridge Lots 179 and 180 and that he would be happy to provide copies to the City. Mr. Evans submitted a letter for the record addressed to Rick O. Curneal, dated March 18, 2002.

Treasurer Donner stated that Gallagher & Henry had delinquent bills regarding trees; he inquired about payment status. Administrator Curneal responded that the City Attorney and he met with representatives from Gallagher & Henry. He said they sent a check for the amounts owed less penalties and included a letter that requested the City assume ownership and responsibility for the two parcels that generated the fees. He said that the Public Works Committee would review the issue.

Phil Wolf, Manhard Consulting a representative for Gallagher & Henry, spoke about the variation request for the driveway on Lot 180 in Farmingdale Ridge. He noted that the top of foundation on Lot 180 was 14" higher than the adjacent lot because City ordinance required that it be two feet higher than the flood elevation; he said that the ordinance was not in effect when Mr. Evans' home was built. He explained their position in order to minimize the steepness of the driveway.

Alderman Durkin expressed resident concern about the noise generated from the cooling units on the roof of Brookhaven Foods. Mayor Soldato moved Consent Agenda Item A to New Business as Item C.

Alderman Durkin asked if the item on the Consent Agenda with DuPage County for mowing covered the expenses incurred by the City. Asst. Director Mengarelli stated that the City mowed several more times than stated within the contract.

14. OLD BUSINESS

There was no Old Business to come before the City Council

15. CONSENT AGENDA

Mayor Soldato noted that Consent Agenda Item A was moved to New Business as Item C.

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

A. RESOLUTION NO. R-05-02 A RESOLUTION APPROVING AND PUBLISHING THE UPDATED CITY OF DARIEN OFFICIAL ZONING MAP FOR 2002

B. RESOLUTION NO. R-06-02 A RESOLUTION APPROVING A PLAT OF EASEMENT VACATION (Lot 4 Darien Corporate Center)

C. RESOLUTION NO. R-07-02 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN NATIONAL SEMI-TRAILER CORP. AND THE CITY OF DARIEN (An Extension From 05/01/02 Until 04/30/03)

D. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF A BUMPER CRANE FROM MONROE TRUCK EQUIPMENT IN THE AMOUNT OF \$3,437.00

E. CONSIDERATION OF A MOTION TO APPROVE CONTRACT FOR PURCHASE OF 113 ELM STREET

F. RESOLUTION NO. R-07-02 A RESOLUTION AUTHORIZING THE RESOLUTION EXTENDING THE PERIOD OF PARTICIPATION IN THE INTERGOVERNMENTAL PERSONNEL BENEFIT COOPERATIVE FOR A PERIOD OF THREE ADDITIONAL YEARS

G. CONSIDERATION OF A MOTION TO APPROVE AN INCREASE IN RATES FOR CITY ENGINEER - CHRISTOPHER B. BURKE ENGINEERING, LTD. (CBBEL) EFFECTIVE MAY 1, 2002

H. RESOLUTION NO. R-09-02 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND THE COUNTY OF DU PAGE FOR MOWING ALONG COUNTY ROADS AND RIGHT OF WAYS

I. CONSIDERATION OF A MOTION TO APPROVE THE DARIEN CHAMBER OF COMMERCE 2nd ANNUAL DARIEN DASH, A 5K RUN/WALK, ON MAY 5, 2002, BEGINNING AT 8:30 A.M.

J. CONSIDERATION OF A MOTION TO APPROVE THE USE OF THE RIGHT HALF OF THE FOLLOWING STREETS FOR THE DARIEN DASH which begins at the northwest corner of Darien Community Park and continues: 71st Street to Richmond Avenue; south on Richmond Avenue and following Cherokee Drive to Darien Lane; north on Darien Lane and following Timber Lane to Seminole Drive; north on Seminole Drive to 71st Street; west on 71st Street to Beechnut Lane to Hinsbrook Avenue; east on Hinsbrook Avenue to Wilmette Avenue; north on Wilmette Avenue to 69th Street; east on 69th Street to Bentley Avenue; south on Bentley Avenue to 71st Street; east on 71st Street to northwest corner of Darien Community Park with access for emergency vehicles and local traffic at all times.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE APPOINTMENT TO CABLE COMMUNICATIONS COMMISSION - JOHN L. LARATTA

It was moved by Alderman Weaver and seconded by Alderman Durkin to approve the appointment of John L. Laratta to the Cable Communications Commission as presented.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

Clerk Coleman administered the Oath of Office to John L. Laratta; he received a round of applause.

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO SECTION 6B-1-3 ARTICLE 10B OF THE DARIEN CITY CODE (7764 Wakefield Drive, Lot 180 Farmingdale Ridge)

It was moved by Alderman Tikalsky and seconded by Alderman Weaver to approve an Ordinance approving a variation to Section 6B-1-3 Article 10B of the Darien City Code (7764 Wakefield Drive, Lot 180 Farmingdale Ridge) as presented.

Alderman Weaver was concerned about the issues brought forward. Mayor Soldato stated that Mr. Wolf seemed confident that there would be no water problems, he asked what type of assurance Mr. Wolf could provide. Mr. Wolf stated that a stream previously ran through the two lots east of Lot 180 and that there was ample ground water in the area, which could have been the problem Mr. Evans experienced. He noted that the two storm sewers had a capacity greater than the 100-year storm that allowed the area to be removed from the floodplain. He said that Mr. Evans did not have the lowest foundation in the area; that additional easement was granted on Lot 180 to convey stormwater across the property.

Director Charlton stated that additional language should be included for the grant of easement restricting a fence from within the easement area.

Alderman Weaver asked if the County could re-review the floodplain information for this area. Mr. Wolf stated that the County was very strict in regard to stormwater control.

Director Charlton commented that Alderman Weaver was referring to FEMA, not the County. She said that the developer met the requirements to build on Lot 180 and the question was in regard to the driveway.

Alderman Weaver stated that the grade on the driveway could be unsafe and if the variation were granted nothing would be achieved. Discussion continued.

After Mr. Wolf refused to consider the Council's request that the developer put funds aside for a ten year period to cover damage to neighboring properties from flooding, it was suggested this matter be tabled until after a meeting between the interested parties was held.

It was moved by Alderman Biehl and seconded by Alderman Durkin to table the Ordinance approving a variation to Section 6B-1-3 Article 10B of the Darien City Code (7764 Wakefield Drive, Lot 180 Farmingdale Ridge).

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION TABLED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Brookhaven Shopping Center Faade Renovation)

It was moved by Alderman Durkin and seconded by Alderman Hagen to approve ORDINANCE NO. O-08-02 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Brookhaven Shopping Center Faade Renovation) as presented.

Alderman Durkin stated that adjacent neighbors had an on-going concern about noise from the coolers on

the roof of Brookhaven Foods. Director Charlton said that they had talked with a consultant about obtaining a noise study and to measure the noise to City Code, but the provisions in Code do not include a standard by which today's equipment can measure noise. She said that Code needed to be amended in order to be able to measure and determine if the noise breaks the law; she noted that current Code measures the noise at the property line.

Mayor Soldato stated that Code covers noise complaints, but usually involves loud parties. It was stated that the Police Department handled these types of complaints as nuisance complaints.

For the record, Alderman Durkin reiterated that the noise from the coolers on the roof at Brookhaven Foods was a continuing problem that he would like to have resolved.

Director Charlton stated that there were numerous communications and that the owner was aware of the problem but the restraint was money. The owner offered to place a fence on top of the building to reduce noise; she investigated the proposal and found that placement of a fence would not reduce the noise level.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Alderman Durkin inquired if speed limits were enforced when yellow lights flashed in school zones. Chief Musial affirmed that they were. Alderman Durkin commended Detective Sergeant Gregory Cheure for the "Letter of Recognition" he recently received.

Alderman Biehl said that the County Board Agenda included the Dale Basin, he stated that he would like the project begin this spring.

Alderman Marchese encouraged everyone to vote on Tuesday, March 19th. Mr. John Manos, owner and manager of Brookhaven Shopping Center, thanked Council for approving the facade plans for Brookhaven. He said that he would work with the City regarding the noise problem. Mayor Soldato suggested that a meeting be scheduled with all parties to rectify the noise problem.

Sharon Welk, 6809 Western Avenue, expressed the importance of the Darien Park District referendum to her family and residents.

Henry Przybyla, 6746 High Road, thanked Alderman Biehl. He asked that information received from the County be passed along to residents; he inquired about the vacant property on 68th Street that the County purchased; and he requested that residents be notified when the County would start work. Mayor Soldato said that information would be given to residents. Alderman Biehl noted that the project was scheduled to begin in spring. Alderman Durkin suggested that residents call their District 3 Representatives to ask questions.

Donald Jiskra, Cable Communication Commissioner, thanked Council for their support in appointing John Laratta to the Commission.

Laurie Camp, 1911 Darien Club Drive, asked if the Park District referendum did not pass what the alternatives would be. She stated that she recently found out that there was no formal proposal by the Park District to purchase Marion Hills. Mayor Soldato directed Ms. Camp to pose her questions to the Park District, that the Park District needed to make a commitment of what they would do and when they would do it. He suggested that residents attend Darien Park District and School District 61 Board meetings.

Mayor Soldato expressed his opinion as to why he personally could not support the Darien Park District referendum. He cited poor planning and a lack of communication on the part of the Darien Park District Board. He thanked the residents for attending the City Council meeting, urged them to attend the Park District meetings and consider running for positions on the Park District Board.

Scott Neger, Director Darien Park District, addressed Mayor Soldato's statements. He commented that the District had a 10-year lease with School District 61 for the Marion Hills site, which had been shortened due to a purchase proposal by Giant Steps. He stated that no tax dollars were utilized for the Sportsplex. He said that the Park District's decisions were not perfect but that they have a 'Grand Plan' for the future and that the referendum was a bridge to maintain and operate the current site. He commented that even if the referendum passed that there was still the possibility that the District could lose the facility.

Judy Pultorak, 609 Chestnut, stated that she met with Park District staff, communicated with Board members, reviewed financial statements and read Board Minutes. She urged that the Park District, School District and City work together to plan for the future.

Mark Charazyczewski, 8136 Hinswood Drive, supported the Park District. He said that his children benefited from the programs and that the loss of the facility would create a dilemma. He noted that children's needs should be met every day, not just in the future. Mr. Charazyczewski's daughter presented Mayor Soldato with a picture.

18. EXECUTIVE SESSION - PURCHASE OR LEASE OF REAL ESTATE SECTION 2(c)(5) AND COLLECTIVE BARGAINING SECTION 2(c)(2) OF PUBLIC ACT 88-261

It was moved by Alderman Durkin and seconded by Alderman Biehl to adjourn into Executive Session for the purpose of discussing Purchase or Lease of Real Estate Section 2(c)(5) and Collective Bargaining Section 2(c)(2) of Public Act 88-261, with no action to be taken.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

19. ADJOURNMENT

The City Council adjourned into Executive Session at 9:40 P.M. and upon proper reverse roll call, adjourned at 10:15 P.M.

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 10:15 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 03-18-02.

Minutes of 03-18-02 CCM

March 18, 2002