

**MINUTES
CITY OF DARIEN
MUNICIPAL SERVICES COMMITTEE MEETING
June 15, 2020**

PRESENT: Alderman Thomas Belczak -Chairman, Alderman Eric Gustafson,
Alderman Joseph Kenny, Dan Gombac – Director, Joe Hennerfeind – Senior Planner

ABSENT: None

ESTABLISH QUORUM

Chairperson Thomas Belczak called the meeting to order at 6:16 p.m. at City Hall Council Chambers, Darien, Illinois and declared a quorum present.

NEW BUSINESS

a. Discussion – open burning, fire pits, outdoor fireplaces

Mr. Dan Gombac, Director reported that Mayor Joe Marchese requested that Municipal Services review the existing code as it relates to controlled outdoor open burning, specifically fire pits and outdoor fireplaces.

Mr. Gombac reviewed the code and reported that staff reached out to other municipalities for feedback and that generally the surrounding communities were in line with the City's ordinance. He reported that the City ordinance is more restrictive with hours of open burning and that Elmhurst issues a permit for all open burning activities. He reported that staff received an extensive report regarding open burning from a resident and that staff responded to the resident but received no response in return.

Chairperson Belczak questioned if there is a setback noted regarding fire pits.

Mr. Gombac reported that there are no setbacks in place but that typically firepits are in the middle of the yard and that staff has not received any complaints.

Chairperson Belczak stated that he would like to see a setback written into the ordinance.

Alderman Kenny stated that there are two residents one in favor and one not and questioned burning from a health standpoint.

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

Ms. Kim Warden, Darien recited the burning rules in Darien. She highlighted an incident with her neighbors on May 20, 2020 regarding a burn at her neighbors' home which filled her house with smoke. Ms. Warden stated that burns are unhealthy and that the City's ordinance is short and vague and that bon fires should require a permit.

Alderman Gustafson stated that he received residential concerns and suggested restricting hours to Friday and Saturday evening and holidays from 7:00 pm – 12:00 am.

Mr. Gombac reported that he will work with Ms. Warden and the Fire District and report back to the Committee.

- b. PZC 2020-04 7729 Warwick Ave - Petitioners seek approval of a variation to Section 5A-7-2-6(A) of the City Zoning Code requiring a 35 foot front yard setback, for a proposed porch addition to the existing house at 7729 Warwick Avenue in Darien, Illinois.**

Mr. Joe Hennerfeind, Senior Planner reported that the petitioner's Linda and Dan Gombac are proposing a remodel of an existing home with an established setback. He reported that the proposed porch will be a prominent architectural entry feature to the home. He reported that the PZC reviewed the request and voted unanimously in favor of the request.

Alderman Gustafson stated that homes in the area have done the same thing.

Mr. Gombac reported that they spoke to the neighbors in the area informing them of the project.

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

Alderman Gustafson made a motion and it was seconded by Alderman Kenny approval of PZC 2020-04 7729 Warwick Avenue - a variation to Section 5A-7-2-6(A) of the City Zoning Code requiring a 35 foot front yard setback, for a proposed porch addition to the existing house at 7729 Warwick Avenue in Darien, Illinois.

Upon voice vote, THE MOTION CARRIED 3-0.

- c. Ordinance – Approval amending the liquor code to expand the number of Class K liquor licenses from two (2) to three (3) for beer and wine sales at Broosters of Darien LLC.**

Mr. Dan Gombac, Director reported that in 2016 the City Council passed ordinance O-12-16 amending the liquor code by periodically auditing the number of licenses in several classes so that there are no (open) licenses available that are not assigned to a particular business. He reported that the liquor licenses are updated as new requests are generated from businesses.

Mr. Gombac reported that Mayor Marchese received a request from Broosters of Darien LLC for a beer and wine liquor license for on-site consumption only. He reported that the restaurant is under new ownership, Mirko Sajic and that the license required for the request would be a K License and would increase the number of K licenses to 3 licenses. He further reported that Mayor Marchese as Liquor Commissioner has indicated he does not oppose the request and that Mr. Sajic has agreed to the non-gaming agreement.

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

Alderman Belczak made a motion and it was seconded by Alderman Gustafson approval of an Ordinance amending the liquor code to expand the number of Class K

liquor licenses from two (2) to three (3) for beer and wine sales at Broosters of Darien LLC.

Upon voice vote, THE MOTION CARRIED 3-0.

- d. Ordinance - Approval to permit the construction of 2 (two) electronic message board signs adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.**

Mr. Joe Hennerfeind, Senior Planner reported that the Planning and Zoning Commission reviewed this petition at their public hearing on June 3rd and raised similar issues from previous presentations regarding overall size, number, and setbacks of signs. He reported that the renegotiated Lease terms were presented, as well as conditions for the installation of the second sign and that a negative recommendation was forwarded with a voting record of 1-8 and that an amended motion was made to consider only one sign, which received a positive recommendation of 5-4.

Mr. Dan Gombac, Director reported that approval to permit the construction of one electronic message board sign with conditional approval for a second sign subject to provisions, approval of infrastructure and foundation for the second sign may be completed with initial construction and prior to the construction of second sign, and signage shall be subject to additional approval by Council ordinance. He reported that in the event a second sign is not requested or constructed, variation approvals for the second sign will expire one (1) year after the date the first signage becomes operational.

Mr. Gombac reported that the Lease Agreement has been revised to reduce the lease term to 10 years (from 25 years with options for automatic renewals) and provides the City with a second 10- second spot with opportunities to allow non-profits within the City to utilize.

Alderman Kenny stated that from day one he did not want the sign and that he is not in favor of a 12 ft. sign at the corner.

Mr. Gombac reported that the sign is 7 ft but 12 ft with the base.

Alderman Gustafson stated that that the sign will block the headlights from the drive thru. He stated that he will not be in favor of a sign at that corner that is paid for by the City.

Mr. Gombac reported that the cost to the City for sign with a water feature and landscaping will be approximately \$35,000.

Alderman Belczak stated that he is favor of one sign.

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

Alderman Belczak made a motion and it was seconded by Alderman Gustafson approval of an Ordinance to permit the construction of 1 electronic message board sign with infrastructure and foundation for a second sign adjacent Cass Avenue and Plainfield Road, located within the B-2 Community Shopping Center Business District.

Upon voice vote, THE MOTION CARRIED 2-1. Alderman Kenny voted Nay.

- e. Ordinance - Approval authorizing an Easement Agreement (Northwest Corner of Cass Avenue and Plainfield Road at 7532 Cass Avenue, PIN# 09-28-402-025)**
- f. Resolution – Approval for a Digital Sign Agreement within a dedicated easement at the northwest corner at 7532 Cass Avenue, PIN# 09-28-402-025;**

Mr. Gombac reported that the proposed sign, subject to final approval, requires an agreement for the opportunity to work and display media with the property owner and Chicago Billboards at the northwest corner of the property located at 7532 Cass Ave. He provided information on the agreement and noted that the details were in the agenda memo.

Mr. Gombac reported that the City will have the opportunity to display 1-10 second slot per marquee and a second 10 second slot, which is intended to provide Darien non-profits the opportunity to advertise at no cost. He reported that Chicago Billboard will manage, edit, and display information as forwarded by a designated City representative and that the lease term will be 10 years from date of completed construction, with no options for successive agreements in the lease. He further reported that Chicago Billboards will be responsible for all maintenance within the dedicated easement including the landscape water feature and general landscaping and that there shall be no cost to the City for ongoing or future maintenance.

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

Alderman Belczak made a motion and it was seconded by Alderman Gustafson approval of an Ordinance authorizing an Easement Agreement (Northwest Corner of Cass Avenue and Plainfield Road at 7532 Cass Avenue, PIN# 09-28-402-025) and approval of a Resolution for a Digital Sign Agreement within a dedicated easement at the northwest corner at 7532 Cass Avenue, PIN# 09-28-402-025;

Upon voice vote, THE MOTION CARRIED 2-1. Alderman Kenny voted Nay.

- g. Resolution - Approving a Plat of Utility Easement Vacation for 8801 Gleneagles Lane PIN #10-05-205-024.**

Mr. Joe Hennerfeind reported that the homeowners recently purchased a pool and simultaneously applied for a building permit and that during the review process it was identified that the pool was to be constructed within a public utility easement and also as a detention basin for the area. He reported that to the proximity of the public utility easement to the home, a pool would not be able to be installed without encroaching into the easement.

Mr. Hennerfeind reported that the existing property is .51 acres and the current patio is approximately 25-feet from the rear of the home and that the proposed deck would be primarily constructed outside the easement with the pool encroaching into the easement 22.50 x 30 foot wide. He reported that staff has coordinated efforts with the homeowner and their

engineer with a solution to allow the construction of the pool and the deck which include vacation of the existing easement and compensatory storage.

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

Alderman Gustafson made a motion and it was seconded by Alderman Kenny approval of a Resolution approving a Plat of Utility Easement Vacation for 8801 Gleneagles Lane PIN #10-05-205-024.

Upon voice vote, THE MOTION CARRIED 3-0.

h. Minutes – February 24, 2020 Municipal Services Committee

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

Alderman Belczak made a motion and it was seconded by Alderman Gustafson approval of the February 24, 2020 Municipal Services Committee Meeting Minutes.

Upon voice vote, the MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Gombac reported on upcoming solar panel proposal.

NEXT SCHEDULED MEETING

Chairperson Belczak announced that the next meeting is scheduled for Monday, July 27, 2020.

ADJOURNMENT

With no further business before the Committee, Alderman Belczak made a motion and it was seconded by Alderman Kenny to adjourn. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 7:03 p.m.

RESPECTFULLY SUBMITTED:

**Thomas Belczak
Chairman**

**Eric Gustafson
Alderman**

**Joseph Kenny
Alderman**