

## **Minutes - October 4, 2004**

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 4, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting  
of the City Council of the  
CITY OF DARIEN  
OCTOBER 4, 2004

### 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 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 John F. Poteraske, Jr. David Hagen James Tikalsky Joseph Marchese Kathleen Moesle-Weaver

Absent: Morgan Cotten

Also in Attendance: Carmen D. Soldato, Mayor 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 Gregory Dreyer, Director of Community Development Robert Mengarelli, Asst. Director of Public Works

### 4. DECLARATION OF A QUORUM — There being six Aldermen present, Mayor Soldato declared a quorum.

### 5. APPROVAL OF MINUTES – September 20, 2004

It was moved by Alderman Poteraske and seconded by Alderman Tikalsky to approve the Minutes of the Regular Meeting of September 20, 2004, as presented. Roll Call: Ayes: Biehl, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: Cotten

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

### 6. RECEIVING OF COMMUNICATIONS

Alderman Marchese received email from: \* Cheryl Sienelli, Tara Hill Subdivision, regarding the ComEd outages; and \* Gene and Julia Davies, 8425 Kentwood Court, regarding the status of Brookeridge Creek Streambank project. Administrator Vana responded to their email.

Alderman Hagen received an anonymous telephone call expressing his/her opinion of increased crime within Darien.

Alderman Biehl conversed with Rich Ray; Mr. Ray voiced his displeasure with the straw poll of Aldermen taken regarding the Dale Basin. Administrator Vana stated that he met with Mr. Ray and that he contacted DuPage County regarding plant materials.

Alderman Poteraske stated that Council received a letter from the Indian Prairie Library District regarding incurred expenses due to a ComEd power outage; ComEd informed the District that they could not receive compensation because the outage was caused by a tree that had fallen on power lines. Administrator Vana commented that an investigation with both the attorney and Commerce Commission was in progress regarding ComEd's legal liability.

## 7. MAYOR'S REPORT

### A. MAYORAL PROCLAMATION "RESPECT LIFE" (October 3-9, 2004)

Mayor Soldato read the Proclamation and declared the week of October 3 through 9, 2004 as "Respect Life" week. He urged citizens to take cognizance of the special events arranged for this time. Eileen Dolehide accepted the Proclamation. Ms. Dolehide gave background information regarding "Respect Life" week; she stated that the week had been observed for the past twenty-four years; she thanked the Council for the recognition.

### B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH PRELIMINARY PROPERTY ASSEMBLY AND DEVELOPMENT AGREEMENT MATTERS IN FURTHERANCE OF THE CITY'S BUSINESS REDEVELOPMENT DISTRICT

Richard Gammonley, Executive Vice President with the Gammonley Group, addressed Council and introduced David Kennedy, Principal of Perkins Pryde Kennedy Steevensz Architects Ltd., and Matthew Klein, Gammonley Group Corporate Counsel. He gave a brief overview of the project concept, which included retail and condominium components. The proposal indicated two (2) five-story buildings, which would consist of approximately 32,000 sq.ft. of retail and 116 condominium units. Ingress/egress would be from 75th Street and from Plainfield Road; there would be an underground parking garage. A large outdoor fountain/seating/entertainment area would be in the center plaza, which would be multi-faceted and pedestrian friendly.

David Kennedy described the building design, which included underground parking for residents, customers, and employees; the garage would have access from the north and south with a gradual ramp.

Mr. Gammonley reiterated that there would be 116 condominium units; the units would vary from 900 to 1900 sq.ft.; they would cost approximately \$190/sq.ft.; the average cost would be \$240,000. He indicated that the garage would have 297 parking spaces, which exceeded Code requirements. He distributed a report compiled by Kane, McKenna and Associates, Inc. to Council; the report contained information regarding sales and tax revenue with distribution to various agencies.

Mayor Soldato thanked the presenters for the development information based on the City's Comprehensive Plan. He stated that everything was in the proposal stage and would need to be reviewed by the citizens, Planning and Zoning Commission, Planning/ Development Committee, and City Council.

Alderman Hagen commended the Gammonley Group for the design; he was concerned about the impact on existing businesses. He noted that there was no 'cost' indicated.

Alderman Marchese stated that the Group did a commendable job presenting the second proposal based on the available land.

Alderman Poteraske inquired about the impact on schools; Mr. Gammonley responded that the project would generate a minimal number of children. Alderman Poteraske suggested that if residents wanted to realize the height of the buildings, they could view the development near the Tivoli Theater in Downers Grove; Mr. Gammonley stated that it was called "Station Crossing" and was a five-story structure. It was moved by Alderman Tikalsky and seconded by Alderman Marchese to approve

RESOLUTION NO. R-23-04 A RESOLUTION AUTHORIZING CITY STAFF TO PROCEED WITH PRELIMINARY PROPERTY ASSEMBLY AND DEVELOPMENT AGREEMENT MATTERS IN FURTHERANCE OF THE CITY'S BUSINESS REDEVELOPMENT DISTRICT as presented.

Roll Call: Ayes: Biehl, Marchese, Poteraske, Tikalsky, Weaver

Nays: Hagen

Absent: Cotten

Results: Ayes 5, Nays 1, Absent 1 MOTION DULY CARRIED

## 8. CITY CLERK'S REPORT

### A. 2005 VEHICLE STICKER LOTTERY

City Clerk Coleman gave a brief overview of the program; stated that ten (10) non-for-profit organizations were asked to participate. Two local organizations responded that they would take part in the 2005 Vehicle Sticker Lottery. The organizations included Darien Woman's Club and VFW Darien Memorial Post 2838. She asked Attorney Murphey to pull the winning organization; the 2005 Vehicle Sticker Lottery winner was VFW Darien Memorial Post 2838.

Clerk Coleman...

... noted that the Planning and Zoning Commission meeting scheduled for October 6th had been cancelled.

... invited everyone to join Mayor Soldato for Coffee on Saturday, October 16th, from 9:00 until 10:00 A.M. at City Hall in the Council Chambers.

... stated that on April 5, 2005 a Consolidated Election would be held. She stated that all Aldermen terms were due to expire and that Candidate Packets were available from the City Clerk's office. She stated that the term for Wards 2, 4 and 6 would be for 2-years and that the term for Wards 1, 3, 5 and 7 would be for 4-years based on a Referendum passed by the voters. She reminded prospective candidates that petitions could not be circulated prior to October 27, 2004; the first date for filing would be Monday, January 17, 2005.

## 9. CITY ADMINISTRATOR'S REPORT

Administrator Vana commented that the current BFI agreement for refuse was due to expire early in 2005. He requested that residents review, complete and return the refuse/recycling survey included in the "DARIEN DATA" newsletter; he said the survey was also available on the City's website or from City Hall.

Alderman Biehl inquired about Crest Road. Administrator Vana responded that Bill Brown spoke with him and that the County anticipated the start of preliminary groundwork within the next two (2) weeks.

## 10. DEPARTMENT HEAD REPORT

Police Chief Robert Pavelchik...

... announced that the Citizen Police Academy scheduled for October had been rescheduled for Spring 2005 due to few responses.

... thanked and congratulated Jeanette Holden, previous D.A.D.C. employee, who obtained employment in Lombard as a police officer.

... congratulated Officer Bill Greenaburg who was honored by Mothers Against Drunk Driving (M.A.D.D.) at a recent luncheon.

... displayed a hand-held radar unit. He noted that sometimes speeding was a matter of perception; he offered residents the opportunity to borrow/utilize a unit.

... noted that Halloween was on Sunday, October 31st; he stated that Darien does not have an Ordinance that regulates hours for trick-or-treating. He commented that the Darien Lions Club party was scheduled for October 31st from 5:00-7:00 P.M. at the Sportsplex. He encouraged parents to have children home before dark.

... responded to Alderman Hagen's anonymous caller who commented about increased crime within Darien; he said it was difficult to respond because the statement could be a perception and that current crime statistics were similar to reports from last year.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 04-05-10

It was moved by Alderman Poteraske and seconded by Alderman Hagen to approve payment of Warrant Number 04-05-10 in the amount of \$76,042.55 from the General Fund; \$16,335.34 from the Water Fund; \$5,512.01 from the Motor Fuel Tax Fund; \$169,354.00 from the Darien Towne Centre Tax Fund; \$2,049.38 from the Darien Area Dispatch Fund; \$213,624.78 from the General Fund Payroll for the period ending 09/16/04; \$22,577.13 from the Water Fund Payroll for the period ending 09/16/04; \$26,205.24 from the D.A.D.C. Fund Payroll for the period ending 09/16/04; for a total to be approved of \$531,700.43.

Alderman Tikalsky inquired about the Trolley Company; Administrator Vana responded that money had been budgeted for the event.

Roll Call: Ayes: Biehl, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: Cotten

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

## 12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted Minutes, for the record, for the August 30, 2004 and September 14, 2004 rescheduled meetings.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — Chairman Biehl submitted Minutes, for the record, for the September 20, 2004 rescheduled meeting.

## 13. QUESTIONS AND COMMENTS — AGENDA RELATED

Paula Banks, President of Darien Woman's Club, was in attendance to accept as the winner of the 2005 Vehicle Sticker Lottery. She said that the Club submitted a letter every year but have never been chosen. She inquired if the system could be changed from lottery to perhaps rotation of the organizations. Clerk Coleman replied that the Council set the parameters and a change could be discussed at a future goal setting session.

## 14. OLD BUSINESS

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

## 15. CONSENT AGENDA

There were no Consent Agenda items to come before the City Council.

## 16. NEW BUSINESS

### A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, "LIQUOR CONTROL REGULATIONS" OF THE DARIEN CITY CODE SECTION 3-3-7-1(C) TO CREATE ONE ADDITIONAL CLASS A LICENSE

It was moved by Alderman Marchese and seconded by Alderman Hagen to approve

ORDINANCE NO. O-35-04 AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, "LIQUOR CONTROL REGULATIONS" OF THE DARIEN CITY CODE SECTION 3-3-7-1(C) TO CREATE ONE ADDITIONAL CLASS A LICENSE as presented.

Roll Call: Ayes: Biehl, Hagen, Marchese, Poteraske, Weaver

Nays: Tikalsky

Absent: Cotten

Results: Ayes 5, Nays 1, Absent 1 MOTION DULY CARRIED

### B. CONSIDERATION OF A MOTION TO APPROVE A VARIATION TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL ENCROACHING 5 FEET INTO THE REQUIRED 10-FOOT SIDE YARD SETBACK (109 68th Street)

It was moved by Alderman Biehl and seconded by Alderman Poteraske to approve a Variation to Allow for the Construction of an Additional Encroaching 5 Feet into the Required 10-Foot Side Yard Setback (109 68th Street), as presented.

Alderman Weaver commented about the adjacent property had a driveway that was one foot (1') from the property line. Alderman Hagen stated that Code previously allowed only one foot (1'). Alderman Hagen noted that the neighbor most affected had no objection; the homeowner of the residence did not prove hardship. Mayor Soldato stated that the resident was improving the home and area; he supported the variation. Alderman Hagen discussed hardship with Attorney Murphey. There was discussion about the distance between the adjoining properties.

Roll Call: Ayes: Biehl, Marchese, Poteraske, Tikalsky, Weaver

Nays: Hagen

Absent: Cotten

Results: Ayes 5, Nays 1, Absent 1 MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE A PROPOSAL FROM KENIG, LINDGREN, O'HARA, ABOONA, INC. (KLOA) FOR PHASE I OF THE NEIGHBORHOOD TRAFFIC STUDY AS OUTLINED IN THE KLOA PROPOSAL DATED AUGUST 23, 2004, IN AN AMOUNT NOT TO EXCEED \$5,500.00

It was moved by Alderman Marchese and seconded by Alderman Weaver to approve a Proposal from Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) for Phase I of the Neighborhood Traffic Study as Outlined in the KLOA Proposal Dated August 23, 2004, in an Amount Not to Exceed \$5,500.00, as presented.

Alderman Weaver stated that the traffic study was discussed at the recent Goal Setting Session and that there was \$8,000 left within the budget.

Mayor Soldato spoke about the goal of the study, which was to slow down traffic. He inquired if the money would be utilized to isolate the problem areas. Alderman Weaver responded that the study would set criteria to be used, would divide the City into areas, and would prioritize the problem areas.

Alderman Poteraske said the proposal was the first step of the plan to make a recommendation and to identify the impact from it. The report would include a sign study, traffic and parking analysis, and a guideline for future traffic controlling devices. Alderman Hagen asked the anticipated timeframe for Phase I; the response was 'a matter of weeks'. Alderman Hagen suggested that Phase I wait until next budget year and complete Phase I and Phase II together. Administrator Vana commented that the Committee hoped that it would be done in phases because the information reaped from the study could be utilized in following years. Alderman Marchese noted that Phase II would cost approximately \$5,000.

Roll Call: Ayes: Biehl, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: Cotten

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese reminded residents that October 8th and 9th would be "Darien Lions Club Candy Days". He noted that forty percent (40%) of monies collected would go back into the community.

#### 18. ADJOURNMENT

There being no further business to come before the City Council, it was moved by Alderman Tikalsky and seconded by Alderman Poteraske 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 10-04-04.