

THE 2011-2012 BUDGET PUBLIC HEARING WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER. THE PUBLIC HEARING ADJOURNED AT 7:02 P.M.

A WORK SESSION WAS CALLED TO ORDER AT 7:02 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE APRIL 4, 2011 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:05 P.M.

**Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**APRIL 4, 2011**

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 Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver 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: | Halil Avci         | Sylvia McIvor          |
|          | John Galan         | John F. Poteraske, Jr. |
|          | Carolyn A. Gattuso | Ted V. Schauer         |
|          | Joseph A. Marchese |                        |

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor  
Joanne F. Coleman, City Clerk  
Michael J. Coren, City Treasurer  
John B. Murphey, City Attorney  
Bryon D. Vana, City Administrator  
Scott Coren, Assistant City Administrator  
Daniel Gombac, Director of Community Development/Municipal Services  
Robert Pavelchik, Police Chief

4. **DECLARATION OF A QUORUM** — There being seven aldermen present, Mayor Weaver declared a quorum.

5. **APPROVAL OF MINUTES** – March 21, 2011

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve the minutes of the March 21, 2011 meeting.

Roll Call:       Ayes:       Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

                      Nays:       None

                      Absent:      None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

6. **RECEIVING OF COMMUNICATIONS**

To clarify misinformation that went out over the weekend, resulting in many telephone calls to the Alderman, Police Chief and Staff, Mayor Weaver requested Alderman McIvor address some of the inaccurate information presented.

Alderman McIvor stated that, as Chairperson of the Police Committee, she received several calls, e-mails, and visits with concerns about documents that were distributed citywide. The material was meant to instill fear into the residents of Darien with respect to public safety. Alderman McIvor felt it is important to separate fiction from fact, and briefly covered the four points that were specifically noted in these documents. The first point being that this administration and Council have reduced the Police force by 20%. Alderman McIvor advised that information is absolutely incorrect. The full strength of 37 sworn officers is in effect, and the force has not been reduced by 20%. The next item that was represented was that Darien is at greater risk. The fact is that over 30 years ago, the City established a set number of patrol zones and patrol officers and those have not changed. In addition, based upon circumstances, the Police Chief or the Office in Charge has the ability to override this number at any given time. The third item is that there has been an increase in crime in Darien. The fact is that the last reported statistics from the Federal Reporting System Uniform Crime Report shows that Darien Crime for Part One offenses, which are the most serious, went down by 3.8%. The last item to address is that this City administration and this City Council do not support local law enforcement. That is absolutely incorrect. The City Council and administration have supported the Police Department in the past and continue to do so. The budget, which is on this evening's agenda, includes, but is not limited to, an increase in the Police Department budget of over \$600,000, the purchase of thirteen state of the art vehicles for the Police, and an increase in their training.

In order to correct misinformation distributed regarding the 75<sup>th</sup> and Cass property, Mayor Weaver provided a brief history on that property. Before the three properties became available, the City Council had dreams of developing the entire triangle property as a downtown center. That concept came from the City's Comprehensive Plan update which took place in 2000 and was citizen driven. Surveys of residents showed the desire to have a downtown type of development in Darien. The City asked Gammonley, a well known developer, to provide a conceptual design plan for a downtown center on the whole triangle. It was a beautiful conceptual plan which included commercial and residential. It was then learned that the owners of the property along the triangle did not want to sell. The dream of developing the whole triangle was downsized to the three properties along Cass Avenue between 75<sup>th</sup> and Plainfield. Around 2006, it became apparent that BP was going to stop operations at their corner on Plainfield. The Shell property was already vacated. That's when the Council took action to purchase all three of the properties. Since it was evident no developer was going to purchase properties in need of EPA remediation, the City Council decided to step in, purchase the three properties and complete remediation. In 2007, the city put out an RFP with at least five developers who gave us conceptual proposals for the property along Cass Avenue. The field was narrowed down to Gammonley and Bradford Kent. Both firms submitted nice designs for the 2 ½ acres but advised that due the economy, the only businesses that could be brought in were a bank or drug store and a fast food restaurant. The City Council did not want to go that route, and waited. In addition to the economy, the City had to deal with the EPA for remediation on the gas station and the dry cleaner properties. Remediation on the BP property is being paid by them, and grants are paying for the dry cleaner cleanup. Approval from the EPA on both properties is expected this summer. It is felt the development plans will be back on track once EPA approvals are received. In the meantime, a Letter of Intent has been signed with Chase Bank for the sale of the Shell property in the amount of \$2 million. The Shell property was purchased by the City at the end of 2006 for \$1.6 million. The City did not borrow money for the purchase. The City did issue a \$1.4 million bond in 2007 for the purchase of the BP property. That was the only debt incurred on these three properties. Had the City not stepped in to purchase the three properties, the vacant BP gas station would have remained boarded up with no remediation for an indefinite period of time. Along with the sale of the Shell property to Chase Bank, new businesses are coming in to other Darien shopping centers, which is an indication that the economy is beginning to turn. The property owners in the other shopping centers are actively working to bring more businesses into Darien. The City anticipates moving forward on the 75<sup>th</sup> and Cass property once the EPA approvals are in. The City Council members are very excited about seeking more development input as to uses for the property. There are many outstanding ideas that were brought forward by residents in 2000 when the Comprehensive Plan was updated.

Mayor Weaver requested Alderman Galan address the infrastructure issues which were brought up in the mailing the residents received.

Alderman Galan advised that many residents have come to him with questions relative to the comments in the political flyers on infrastructure. Alderman Galan noted that infrastructure in Darien dates back to the 1950's. One of the recent failures that cost the City a lot of grief was the collapse of Walnut Drive between Farmingdale Drive and Nantucket in 2008. When the road collapsed, the City stepped in to get the appropriate approvals from the County, State and Environmental agencies. The project was completed at a cost of \$500,000. The southern branch of Sawmill Creek runs through Marion Hills from Plainfield Road to 75<sup>th</sup>. Homes in that area have been flooding since the early 1990's. At that time, Darien and the County had a plan to purchase the flooding properties in that area, raise the homes, and deem those properties as unbuildable. That plan was instituted in 1995 and continued through 2002. Although, the County built Dale basin at 67<sup>th</sup> and Dale, and the Crest basin behind the Shell station off Route 83 and Plainfield Road, they never really addressed the flooding issues to the south side of Marion Hills where problems have persisted for years. In 2008, City Council approved and completed a \$150,000 project that gave the water a place to go by improving the creek flow. This was an improvement and not a fix. The City then developed a plan to fix the real problem, which was to replace all 29 miles of ditches in Darien. To date, approximately 5 miles of ditches have been improved with 24 miles to go. It is anticipated the project will be completed within the next 12 years. An aggressive road replacement program has been in effect since 2006, which replaces approximately 5 miles of roadway each year. The goal is replacement of all 69 miles of roadway by 2020. To date, approximately 20 miles of roadway have been replaced. A sidewalk replacement program has been in effect since 2006. All defective portions of the 40 miles of Darien sidewalks have been replaced and brought into ADA compliance. The sidewalk replacement program is now in repair mode. Currently, ¼ mile of stormwater infrastructure is being repaired along Clarendon Hills Road. The cost to the City for these repairs is \$36,000. Since it was a safety issue, the project was completed as quickly as possible. The City of Darien is proactive and aggressive in addressing infrastructure issues throughout Darien.

Mayor Weaver asked Treasurer Coren to address the other issue that has been circulated around town this past weekend.

Treasurer Coren advised that the City is being accused of deficit spending. This evening the Council is being asked to approve a budget for the coming fiscal year. Treasurer Coren reviewed the figures for the benefit of the viewing audience. In the current fiscal year's General Fund budget, the projected revenue was \$12.1 million and the project expenses were \$11.1 million dollars for a projected surplus of \$1 million. The Council also recognized the need for infrastructure improvements, as Alderman Galan has indicated. The City Council was comfortable in working down the General Fund balance to approximately \$2 million in the current fiscal year which ends April 30, 2011. As a result of good management, our current surplus, instead of being \$979,000 as projected, is going to be more along the lines of \$1.8 million, which is almost double the original projections. This reflects a General Fund balance at the end of our current fiscal year of

\$3.4 million versus the \$2 million projected. In the new fiscal year beginning May 1, 2011 through April 30, 2012, the projected revenues are \$12.3 million and expenditures of \$11.5 million with an \$800,000 surplus. The Council has decided, based on the \$800,000 surplus, as well as the positive variance in the General Fund balance of \$1.4 million that we had from last year, to transfer \$2 million of those funds to our Capital Projects Fund to allow for the infrastructure improvements as needed. There are many items that need to be addressed, and the City Council is trying to judiciously spend those dollars in all the most needed places. Even as a result of transferring the \$2 million, the General Fund balance at the end of the next fiscal year is projected to be \$2,244,000, which would be an increase of \$250,000 over the prior year. Not only are we able to transfer \$2 million to Capital Projects, but are able to build our General Fund balance up by approximately \$300,000. One other item that is important to note, in terms of our General Fund budget, is that projected expenditures for this year are \$11.5 million. Of that \$11.5 million, \$7.5 million or 65.8% is represented by the Police Department portion of the budget. That \$7.5 million compares to the actual projected Police budget of the current year of \$6,986,000. In summary, the City is not deficit spending. Treasurer Coren finds building the General Fund and allowing the excess to be transferred to the Capital Improvements Fund meets the needs of the residents and is responsible government. This has been achieved without raising taxes, which is commendable in this tight economy. Treasurer Coren noted that he saw the legal notices in the Suburban Life Newspaper for the proposed budgets for Clarendon Hills and Burr Ridge. Clarendon Hills budget proposal for the coming fiscal year is revenues of \$12.1 million and expenditures of \$12.4 million for a \$300,000 deficit. Burr Ridge reflects revenue of \$15.6 million and \$16.2 million in expenses for an approximate \$600,000 deficit. These are actual numbers that residents can read for themselves and become educated citizens of Darien.

Alderman Avci received an e-mail from Bill Curry of 1025 69<sup>th</sup> Street concerning advertising literature which is being left on the driveways on 69<sup>th</sup> Street.

Assistant Administrator Coren advised that this type of distribution is considered littering and violates City Ordinances. Staff will contact the company distributing the flyers to let them know of the violation.

7. **MAYOR'S REPORT**

There was no report this evening.

8. **CITY CLERK'S REPORT**

City Clerk Coleman...

...reminded all that tomorrow is Election Day. The polls open at 6:00 A.M. and close at 7:00 P.M. Clerk Coleman advised that the City has placed a referendum question on the April 5, 2011 ballot, and read the question into the record as follows:

*“Shall the City of Darien have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program?”*

Assistant Administrator Coren explained that, if the voters approve the referendum question, the City will have the authority to bid out for lower electric rates for residents and small businesses. If approved, residents will have the right to opt out.

Clerk Coleman invited all to attend Coffee with the Mayor at Celestine Salon and Spa on April 16, 2011 from 9:00 A.M. to 10:00 A.M.

9. **CITY ADMINISTRATOR’S REPORT**

There was no report this evening.

At the request of Administrator Vana, Attorney Murphey provided information on the proposed sale of the city owned surplus property located adjacent to the Public Works facility to Great Dane at a purchase price of \$660,000.

Mayor Weaver added that the property will serve as a sales facility for Great Dane.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

In response to Alderman Poterasko, Director Gombac advised that it is anticipated the salt shed project will be completed by May 1, 2011.

In response to Alderman Avci, Director Gombac advised that the infrastructure in Darien is in good shape. Hydrant flushing has been completed. There are several utility company projects in process throughout town. The City has an inventory of all the projects. Restoration work in many areas will begin when the sod farm opens on April 11, 2011.

Police Chief Pavelchik advised that he has received many telephones from residents who are confused about political flyers they have received in the mail. Chief Pavelchik clarified that the political flyers and signs are being supported by the Police Union, which has nothing to do with the Police Department.

11. **TREASURER'S REPORT**

**A. WARRANT NUMBER 10-11-20**

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve payment of Warrant Number 10-11-20 in the amount of \$20,528.69 from the General

Fund; \$7,994.62 from the Water Fund; \$732.36 from the Darien Area Dispatch Fund; \$3,617.83 from the Capital Improvement Fund; \$209,268.33 from the General Fund Payroll for the period ending 03/24/2011; \$17,872.08 from the Water Fund Payroll for the period ending 03/24/2011; \$27,243.77 from the D.A.D.C. Fund Payroll for the period ending 03/24/2011 for a total to be approved of \$287,257.68.

Roll Call:       Ayes:       Avci, Galan, Gattuso, Marchese, McIvor, Poteraske, Schauer

                  Nays:       None

                  Absent:      None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

12.   **STANDING COMMITTEE REPORTS**

**Municipal Services Committee** — Alderman Marchese announced that there will be a Special Meeting of the Municipal Services Committee on Monday, April 11, 2011 at 6:00 P.M. to hear the request for a sign variation for Oakridge Hobbies. The next regularly scheduled meeting is to take place on April 25, 2011 at 6:30 P.M. in the Council Chambers.

**Administrative/Finance Committee** — Alderman Poteraske announced the next meeting of the Administrative Finance Committee is scheduled to take place on Monday, April 11, 2011 at 6:30 P.M.

**Police Committee** — Alderman McIvor announced that the next meeting of the Police Committee is scheduled to take place on April 7, 2011 at 6:00 P.M. in the Council Chambers. Alderman McIvor added that this is a public meeting, and the public is welcome to attend.

Clerk Coleman reminded Alderman Marchese that the Special Meeting of the Municipal Services Committee needs to be posted.

Alderman McIvor added that Oakridge Hobbies is incurring great expense to move from their location across the street from Downers Grove to Darien. Inland is doing a great job in attracting businesses to Darien.

Alderman Galan noted that the city has been working hard toward bringing businesses to Darien.



Rick Biehl of 1014 Maple spoke of the flyers distributed around town and provided his definition of career politician. Mr. Biehl feels the Darien City Council have proven to be true servants to the community.

Nick Darien of 8462 Sandalwood announced that the VFW will be holding a joint Memorial Day ceremony with Downers Grove at Clarendon Hills Cemetery at 9 A.M. on Memorial Day, May 30. There will also be a ceremony at Darien Community Park at 11:00 A.M. on that same day. Mr. Darien invited all to attend.

Stan Niemic of 7118 Hudson, in response to Treasurer Coren's earlier comments, noted that although real estate taxes in the City of Darien did not go up, utility taxes did.

Treasurer Coren stated that utility tax increase did not take place in this year's budget.

Mr. Niemic added that the cost of refuse stickers increased.

Mike Minardi of 8421 Gleneyre Road spoke out against the political flyer that he received this past weekend. He could not recall ever receiving anything as mean spirited. Mr. Minardi feels the current City Council Members have shown themselves to be of the highest level of integrity and character. Mr. Minardi extended gratitude to Police Chief Pavelchik and his officers for their service to the community.

In response to Mr. Minardi, Chief Pavelchik advised that he has a very healthy relationship with the Mayor and City Council. Chief Pavelchik added that the Police Union is endorsing the other candidate.

Mr. Minardi announced that April 29, 2011 is Arbor Day in the City of Darien.

Mr. Minardi extended his gratitude to Mayor Weaver and the City Council for their service to the community.

Charlotte Napoleon of 1213 Iroquois Lane remarked that she was appalled by the political flyer she received this past weekend, which she found to exploit children. Ms. Napoleon stated that Joanne Coleman will be missed.

Jim Tikalsky of 8301 Woodland expressed disappointment in the political literature he received in the mail. Mr. Tikalsky found the literature to contain inexcusable misinformation and lies, and was disturbed that the candidates were not in attendance tonight to explain their claims.

18. **ADJOURNMENT**

**City Council Meeting**

**April 4, 2011**

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

**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 8:30 P.M.

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Mayor

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City Clerk

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All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 04-04-11.  
Minutes of 04-04-11 CCM