

Minutes - September 16, 2002

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE SEPTEMBER 16, 2002 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:05 P.M.

EXECUTIVE SESSION

It was moved by Alderman Cotten and seconded by Alderman Marchese at 7:05 P.M. to move into Executive Session for the purpose of discussing Litigation as prescribed by Section 2(c)(11) of Public Act 88-621 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

Upon reverse roll call, the City Council adjourned at 7:25 P.M. Minutes of the

Regular Meeting
of the City Council of the
CITY OF DARIEN
SEPTEMBER 16, 2002

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

Also in Attendance: Carmen D. Soldato, Mayor
Joanne F. Coleman, City Clerk
Arthur P. Donner, City Treasurer
John B. Murphey, City Attorney
Bryon D. Vana, City Administrator
Robert Pavelchik, Chief of Police
Robert Mengarelli, Asst. Director of Public Works
Robert Rodgers, Asst. Director of Public Works
Michael Griffith, Senior Planner

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

5. APPROVAL OF MINUTES - September 3, 2002

It was moved by Alderman Hagen and seconded by Alderman Tikalsky to approve the Minutes of the Regular Meeting of September 3, 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

6. RECEIVING OF COMMUNICATIONS

Alderman Marchese was contacted by Robert Hencinski, 1525 Winterberry Lane, regarding the condition of Winterberry Street.

Alderman Hagen was contacted by Ms. Strzelec, 7810 Brookhaven Avenue, and Mr. Will Hein, 7617 Brookhaven Avenue, both requested additional gravel be placed on the shoulder of the road in front of their homes.

Alderman Biehl was contacted by:

- * Patrick Gillespie who was concerned with the appearance of the Shell Station at 75th Street & Cass Avenue.

- * Numerous residents who were displeased that the City made a determination for no additional mosquito sprayings.

- * Ms. Anderson, who resides on Chestnut, was concerned about stormwater management.

Alderman Biehl requested that mosquito spraying be placed on the City Council Agenda. He referred to the death of a resident in Westmont associated with West Nile Virus; he noted that Burr Ridge and Willowbrook authorized additional sprayings; he referred to various newspaper articles regarding available monies from DuPage County for additional sprayings. In response to Alderman Biehl's request to place this item on the Agenda before the Council, Attorney Murphey cited recent case law which would only allow the Council to discuss the matter but not vote on the issue this evening.

Mayor Soldato stated that Council could call a Special Meeting instead of waiting until the next scheduled Council Meeting if they felt it necessary to make a determination about mosquito spraying. He said there were as many pros to spraying, as there were cons. Alderman Tikalsky asked if there was a current trap count; Administrator Vana said they could be obtained. Alderman

Weaver said that spraying could give residents a false sense of security.

Mayor Soldato polled the Council if they wanted to conduct a Special Meeting prior to the next scheduled Council Meeting in regard to spraying; the majority felt there was no need for an interim meeting.

Mayor Soldato responded that the Shell Station was informed that the City wanted the area cleaned up and the building demolished. He noted that due to the underground tanks, Shell needed a remediation letter from the State of Illinois before work could be concluded. He commented that the City would like to redevelop the entire triangle and purchase the Shell parcel.

Mayor Soldato commented about the Anderson-Masek stormwater issue; he said that he received numerous calls regarding the rear yard situation and that in response to the Masek's request, he met Administrator Vana and Asst. Director Mengarelli on the City's easement site. He noted that the berm on

the City's property eroded over time and Asst. Director Mengarelli recommended to berm the area again, and after several rains, re-evaluate the situation.

Alderman Cotten was contacted by Elmer Reed of Alden Lane who was concerned about removal of a barricade on Burgess Place.

7. MAYOR'S REPORT

A. A RESOLUTION COMMENDING SEAN PATRICK DURKIN FOR HIS CONTRIBUTIONS TO THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS

Mayor Soldato spoke about Sean Durkin's contributions to the City of Darien, he wished him the best of luck with his new endeavors, and read the Resolution.

It was moved by Alderman Weaver and seconded by Alderman Marchese to approve RESOLUTION NO. R-27-02 A RESOLUTION COMMENDING SEAN PATRICK DURKIN FOR HIS CONTRIBUTIONS TO THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS as presented.

Alderman Weaver said it was a pleasure serving with Sean, that she was impressed by his attention to his constituents and follow through for resolving issues. She said she would miss him and wished him well.

Alderman Cotten thanked Sean for his time and resolution and that he took the time to serve the community.

Alderman Marchese congratulated Sean and said he would be missed.

Alderman Biehl noted that there was an omission on the Resolution; Sean also served as President of Our Lady of Peace Holy Name Society. He wished him good luck.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Tikalsky, Weaver, Soldato, Coleman, Donner, Murphey, Vana

Nays: None

Absent: None

Results: Ayes 11, Nays 0, Absent 0

MOTION DULY CARRIED

Mayor Soldato presented Sean Patrick Durkin with a plaque, which recognized him as Ward 3 Alderman for dedicated service from April 21, 1997 through September 16, 2002.

Sean Patrick Durkin thanked Darien residents who believed in him and allowed him to serve and represent them; he thanked the Aldermen for the opportunity to serve with them on various Council committees. He spoke about visions and making them reality. He presented a motivational picture entitled "Vision" to Mayor Soldato; it read "A leader's job is to look into the future and to see the organization not as it is but as it can become." He said he had a memorable experience and thanked everyone.

B. CONSIDERATION OF A MOTION TO APPROVE AND CONSENT TO MAYOR SOLDATO'S APPOINTMENT OF JOHN F. POTERASKE, JR. AS ALDERMAN WARD THREE

Mayor Soldato spoke about John Poteraske's past and present service within the City; he noted that John was an excellent candidate to fill the vacancy.

It was moved by Alderman Marchese and seconded by Alderman Weaver to approve and consent to Mayor Soldato's appointment of John F. Poteraske, Jr. as Ward 3 Alderman, as presented.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Tikalsky, Weaver
Nays: None
Absent: None
Results: Ayes 6, Nays 0, Absent 0
MOTION DULY CARRIED

Mayor Soldato asked John Poteraske to join the City Council on the dais.
Clerk Coleman administered the Oath of Office to John F. Poteraske, Jr., Alderman Ward 3. He received congratulations and a round of applause.

Alderman Poteraske pledged his best efforts to residents in Ward 3 that he would remain active and would be accessible to the community. He thanked

Mayor Soldato for the recommendation, Council for approving the appointment, and residents for the opportunity to serve.

C. SWEARING IN OF NEW OFFICERS: JEFFREY A. SIMEK, NICHOLAS A. SKWERES AND BRIAN A. SUMPAY

Mayor Soldato introduced Mr. Louis Scaglione, Chairman Fire and Police Commission, and Police Chief Pavelchik. Chairman Scaglione administered the Oath of Office to Probationary Police Officers Jeffrey A. Simek, Nicholas A. Skweres and Brian A. Sumpay. They were presented to the Mayor and Council and received a round of applause from all.

Chief Pavelchik congratulated each and spoke about their accomplishments. He presented them with a "Police Unit Coin" that contained a prayer on the backside; he said it was required equipment.

D. MAYORAL PROCLAMATION "CHAMBER OF COMMERCE WEEK" (September 22-28, 2002)

Mayor Soldato read the Proclamation and proclaimed September 22 through 28, 2002 as "Chamber of Commerce Week". Past-President Jim Graham accepted the Proclamation on behalf of all Chamber of Commerce members.

E. MAYORAL PROCLAMATION "ARTS WEEK" (October 6-12, 2002)

Mayor Soldato read the Proclamation and proclaimed October 6 through 12, 2002 as "Arts Week". He encouraged all residents to freely express their artistic talents.

8. CITY CLERK'S REPORT

City Clerk Coleman...

... announced that the Board of Trustees of the Police Pension Fund would conduct a Special Meeting on September 25th at 6:30 P.M. in the Darien Police Department.

... noted that the Environmental Committee was scheduled to conduct their regular meeting at 7:00 P.M. on Wednesday, September 18th, at the Darien Sportsplex located at 541 Plainfield Road. A Public Open House/Community Review Session would take place at 7:30 P.M. in regard to the Southern DuPage County Regional Trail System.

... invited everyone to join Mayor Soldato for Coffee on Saturday, September 21st, from 9:00-10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road, Darien.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... spoke about the "Ground Zero Flag Tour"; he invited residents to sign a City of Darien flag displayed at

the Indian Prairie Library, which would be displayed in a New York City fire station.
... noted that the Public Works would conduct brush pickup scheduled to begin on Monday, September 23rd.
... welcomed Michael Griffith, Community Development Senior Planner. 10.

DEPARTMENT HEAD REPORT

Chief Robert Pavelchik...

... participated in services at Eisenhower Junior High School on September 11th in commemoration of last year's disaster. The school in appreciation of police and fire services presented the police department with a plaque, which has been placed on display in the lobby of the Darien Police Facility.

... noted that he held a meeting with the Police Department on September 4th; the issues most spoken about were the rewards and accolades for the men and women on the street who serve and protect the community. He delineated various employees' anniversaries, letters of recognition and awards received within the department.

11. TREASURER'S REPORT

A. WARRANT NUMBER 02-03-10

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve payment of Warrant Number 02-03-10 in the amount of \$40,395.72 from the General Fund; \$141,614.40 from the Water Fund; \$449,164.86 from Motor Fuel Tax Fund; \$518.10 from Darien Area Dispatch Fund; \$9,520.09 from the Joint Use Facility; \$165,322.43 from the General Fund Payroll for the period ending 09/05/02; \$16,490.68 from the Water Fund Payroll for the period ending 09/05/02; \$26,474.23 from the D.A.D.C. Fund Payroll for the period ending 09/05/02; for a total to be approved of \$849,500.51.

Alderman Weaver inquired about a refund payable to the Department of Commerce for the trolley; Administrator Vana responded that part of the grant period expired and there was a requirement to itemize expenses and reimburse the unused monies to the State.

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

Nays: None

Abstain: Poteraske

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

B. TREASURER'S MONTH REPORT - AUGUST 2002

City Treasurer Donner reviewed all sources of revenue and expenditures for the month of August 2002 with the following year-to-date fund balance: General Fund \$2,513,752; Water Fund \$314,948; Motor Fuel Tax Fund \$1,127,178; Darien Towne Centre Sales Tax Fund \$447,019; and Hotel/Motel Tax Fund \$78,133.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - No report.

Planning/Development Committee - Chairman Hagen announced that the next meeting was scheduled for Monday, September 23rd at 6:30 P.M.

Public Works Water/Streets Committee - Chairman Biehl stated that the Wednesday, September 25th meeting was cancelled due to lack of agenda items. He noted that the Committee needed another member and asked Mayor Soldato to appoint one of the Aldermen.

13. QUESTIONS AND COMMENTS - AGENDA RELATED

There were no Agenda related questions or comments.

14. OLD BUSINESS

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

15. CONSENT AGENDA

There was no consent Agenda to come before the City Council.

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR THE MUNICIPAL CLERKS OF DU PAGE COUNTY

It was moved by Alderman Hagen and seconded by Alderman Cotten to approve a waiver of the Raffle License bond requirement for the Municipal Clerks of DuPage County, as presented.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING TITLE 3, SECTION 5-7 OF THE DARIEN CITY CODE PROVIDING FOR THE CLASSIFICATION OF RAFFLE LICENSES

It was moved by Alderman Cotten and seconded by Alderman Tikalsky to approve

ORDINANCE NO. O-30-02 AN ORDINANCE AMENDING TITLE 3, SECTION 5-7 OF THE DARIEN CITY CODE PROVIDING FOR THE CLASSIFICATION OF RAFFLE LICENSES as presented.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE REZONING CERTAIN PROPERTY FROM THE O OFFICE DISTRICT TO THE R-2 SINGLE-FAMILY RESIDENCE DISTRICT (PC 2002-10: SHUKIS SUBDIVISION/CHAPMAN COURT)

It was moved by Alderman Hagen and seconded by Alderman Marchese to approve ORDINANCE NO. O-31-02 AN ORDINANCE REZONING CERTAIN PROPERTY FROM THE O OFFICE DISTRICT TO THE R-2 SINGLE-FAMILY RESIDENCE DISTRICT (PC 2002-10: SHUKIS SUBDIVISION/CHAPMAN COURT) as presented.

Alderman Weaver confirmed that if the developer did not proceed, the property would revert to the original zoning classification. Attorney Murphey responded that there was a preliminary plan and that Code allowed one year for development.

Alderman Weaver inquired about the fence variation; Sr. Planner Griffith responded that residents had opportunity to speak for/against the northern living fence at the Public Hearing before the Plan Commission and they had no concerns about it.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Tikalsky, Weaver
Nays: None
Abstain: Poteraske
Absent: None
Results: Ayes 7, Nays 0, Absent 0
MOTION DULY CARRIED

D. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING VARIATIONS TO THE DARIEN ZONING ORDINANCE, VARIATIONS TO THE DARIEN SUBDIVISION AND DEVELOPMENT ORDINANCE, AND APPROVING A PRELIMINARY PLAT OF SUBDIVISION (PC 2002-10: SHUKIS SUBDIVISION/CHAPMAN COURT)

It was moved by Alderman Cotten and seconded by Alderman Tikalsky to approve ORDINANCE NO. O-32-02 AN ORDINANCE APPROVING VARIATIONS TO THE DARIEN ZONING ORDINANCE, VARIATIONS TO THE DARIEN SUBDIVISION AND DEVELOPMENT ORDINANCE, AND APPROVING A PRELIMINARY PLAT OF SUBDIVISION (PC 2002-10: SHUKIS SUBDIVISION/CHAPMAN COURT) as presented.

Alderman Weaver inquired about the style of the buildings; Sr. Planner Griffith stated that the design would need final plat approval, the proposed buildings contained residential characteristics, and sample-building materials were presented to the Plan Commission at the Public Hearing.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Tikalsky, Weaver
Nays: None
Abstain: Poteraske
Absent: None
Results: Ayes 7, Nays 0, Absent 0
MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Alderman Biehl asked for a better copy of an email distributed to Council from Gloria Jiskra directed to Westmont. Alderman Weaver noted that the copy she submitted might not have been a good copy to begin with. Alderman Biehl advised he attended the Tri-State Fire District 9-11 ceremony; he thanked the District for the presentation and the heart felt memorable moments. He requested a tape of the September 16th City Council meeting.

Alderman Hagen reiterated Alderman Biehl's comments about Tri-State Fire District ceremony.

Alderman Poteraske noted that he would attend Mayor Soldato's coffee at Carmelite Carefree Village on Saturday, September 21st, he invited residents from Ward 3. He announced that if any Ward 3 resident had concerns or problems to contact him; he said if someone wanted to meet with him that he would be available at 6:30 P.M. prior to Council meetings.

Alderman Cotten reiterated Clerk Coleman's remarks about the Public Open House on Wednesday, September 18th, at the Sportsplex regarding the Southern DuPage Trail System. He said the agency was interested in comments, suggestions and input from impacted communities.

Clerk Coleman stated that she also attended the Tri-State Fire District remembrance ceremony; she noted that all firefighters were deeply appreciated for their endeavors and asked that everyone remember those who gave their lives for others and their Country.

Gloria and Warren Anderson, 533 Chestnut Lane, spoke about the stormwater problem on Chestnut Lane. Ms. Anderson said she was informed of a meeting in her back yard the day of the meeting because she contacted Administrator Vana; she inquired why she was not informed prior to that date. She asked Council to make sure that Alderman Biehl was informed of happenings within Ward 2; she asked Mayor Soldato why he overrode a recommendation made by the City Administrator and City Engineer in regard to the stormwater problem. Mr. Anderson stated that numerous City staff had been involved with the situation; he said that the City Engineer determined that their neighbor was in violation of DuPage County Ordinances.

Mayor Soldato responded that the neighbor on Chestnut had been ticketed; he noted that more than half of the residents in Hinsbrook could be ticketed if the City took a strict reading of the stormwater regulations due to construction within rear yard easements. He noted that the City Engineer saw a problem that involved both the rear and side yards; the City wanted to solve problems and not issue tickets to residents.

He said that the City needed to fix its berm for stormwater to flow properly and solve the problem. Mayor Soldato commented that many times residents throughout the City contact him for resolution of various problems. He also advised her that while jogging, he noticed that the berm in the City's easement adjacent to her property had eroded. In response to Mrs. Anderson's comment that Alderman Biehl had been working on this problem for over two months, Mayor Soldato replied that he was unaware that

Alderman Biehl was involved with the problem, and it would appear that within that two month period, he did not get the problem resolved.

Administrator Vana noted that Mr. Anderson was aware of what the City was proposing to do to resolve the problem and he was in agreement.

Administrator Vana advised he was in the process of preparing a letter to both neighbors clarifying work to be done in the area.

Ms. Anderson expressed concern about the proposal due to probable flooding by placement of the berm and installation of pipe underneath.

18. ADJOURNMENT

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 8:55 P.M.
Mayor

City ClerkJFC/jr

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 09-16-02.

Minutes of 09-16-02 CCM

September 16, 2002

