

Minutes - December 5, 2005

EXECUTIVE SESSION

It was moved by Alderman Gattuso and seconded by Alderman Marchese at 7:10 P.M. to move into Executive Session for the purpose of discussing Litigation (ComEd) as prescribed by Section 2(c)(11) of Public Act 88-261.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

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

It was moved by Alderman Marchese and seconded by Alderman Biehl at 7:45 P.M. to move into Open Session.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin,

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

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

DECEMBER 5, 2005

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:45 P.M. by Mayor Kathleen Moesle 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: Richard A. Biehl Sylvia McIvor Carolyn A. Gattuso John F. Poteraske, Jr. Joseph A. Marchese Kathleen Moesle Weaver

Absent: William R. Durkin

Also in Attendance: Kathleen Moesle Weaver, Mayor Joanne F. Coleman, City Clerk John B. Murphey, City Attorney Bryon D. Vana, City Administrator Robert Pavelchik, Chief of Police Daniel Gombac, Director of Community Development/Public Works

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

5. APPROVAL OF MINUTES — November 21, 2005

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of November 21, 2005, as presented.

Roll Call: Ayes: Biehl, Gattuso, Marchese, Mclvor, Poteraske, Weaver

Nays: None

Absent: Durkin

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl received a phone call from a gentleman on Crest Road who was concerned about the increase in the number of high school students parking on Crest Road due to 'no parking' on other streets. Chief Pavelchik said he would send letters to the area residents.

7. MAYOR'S REPORT
A. MAYORAL PROCLAMATION "PAUL KELLY DAY" (December 7, 2005)

Mayor Weaver read the Proclamation and declared December 7, 2005 as "Paul Kelly Day". She presented Mr. Kelly with the Proclamation and a plaque, which read YOU MAKE US PROUD Mayor Weaver & City Council 2005. Mr. Kelly was congratulated by Council and received a round of applause; he thanked everyone for the honor. Claudia Geocaris, Principal at Hinsdale South High School, thanked the members of the City Council for recognizing Paul Kelly for his great accomplishments.

B. COM ED UPDATE

Mayor asked ComEd to address Council. Cornell Barnett referred to the "Darien Reliability Action Plan" dated December 5, 2005, a copy of which is attached hereto. He reviewed the "OPEN ITEMS"; he indicated that due to further engineering review, replacement would be completed in the 1st Quarter of 2006. Mr. Barnett said that there were five outages within the City during the month of November; he indicated that he would send the information to Asst. Administrator Coren.

Alderman Mclvor asked if ComEd could be more specific and identify the exact location of the poles referred to in the report; Mr. Barnett said that could be done.

Alderman Poteraske asked that ComEd formally add the area on Walden Lane as a 'pocket of opportunity' because they consistently have outages and recently had a significant outage in the same group of homes.

C. COM ED AGREEMENT UPDATE

Mayor Weaver noted that the City of Darien and ComEd have agreed to a Consent Agreement:

CONSIDERATION OF A MOTION TO APPROVE CONSENT AGREEMENT DATED DECEMBER 5, 2005 BETWEEN THE CITY OF DARIEN AND COMMONWEALTH EDISON COMPANY

It was moved by Alderman Marchese and seconded by Alderman Gattuso to approve Consent Agreement dated December 5, 2005 between the City of Darien and Commonwealth Edison Company, as presented.

Alderman McIvor asked if diagrams for the repairs already made could be submitted as part of the Reliability Action Plan. Mr. Barnett said 'yes'.

Mayor Weaver indicated that both the City and ComEd were happy with the agreement. She said that it was a working document and that both parties would watch each other for fulfillment of the agreement.

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

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

Mayor Weaver stated that she was also Liquor Commissioner and reported that there was an agreed Order with Carriage Greens Country Club on the violation that occurred on September 15, 2005. She highlighted parts of the agreement: Carriage Greens admitted to the charges; they agreed to a two (2) day suspension to be served on a Saturday and a Sunday between June 1 and September 30, 2006; they agreed to pay a \$1,000 fine, reimburse the City for all its expenses including legal fees; they would be on probation for the next twelve months; and they must post a notice regarding the suspension of the Liquor License for the two days. She said if there were any new violations, it would be a very serious matter; she indicated that Carriage Greens assured the City that these types of activities will not occur again. Mayor Weaver said that weddings or similar types of events would not be affected by the suspension.

8. CITY CLERK'S REPORT

Clerk Coleman...

... mentioned that nominations for the Holiday Home Decorating Contest would be accepted until Friday, December 9th; nominations could be made by calling City Hall at 852-5000 Extension 200. Winners would be announced at the December 19th Council meeting.

... stated that the City would sponsor FREE trolley rides on December 27, 28, and 29 to view the decorated homes. Advance reservations were needed as seating was limited; residents should call City Hall at 852-5000 Extension 200 for reservations.

... noted that the deadline for Citizen of the Year nominations was January 7th; nomination forms were available on-line or at City Hall.

... invited everyone to join Mayor Weaver for coffee on Saturday, December 17th, from 9:00 – 10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana commented on the weekend edition of the Suburban Life Newspaper, which contained an article about the strip center owned by John Keporos. He said that Mr. Keporos would appear before the Planning and Zoning Commission on December 7th with a concept proposal for a vacant parcel on Cass Avenue, south of Plainfield Road. He commented that residents should not be misled because Mr. Keporos stated that he would sell his property to the City if the City rezoned the vacant parcel from Office to Retail. He indicated that rezoning review was not based on sale of property; each project was reviewed individually on its merits.

10. DEPARTMENT HEAD REPORT

Director Daniel Gombac...

... on behalf of the Community Development and Public Works departments, formally congratulated Mayor Weaver on her recent appointment.

... noted that there were damaging winds the weekend of November 11th, which resulted in downed tree limbs and branches. Public Works received numerous calls from residents, which initiated emergency brush pickup that began on November 21st thru the 23rd.

... commented about the * 83rd Street Bike Path project, which would consist of an 8' bike path within the southern right-of-way on 83rd Street from Woodward Avenue to Lemont Road. He said that trees were currently being removed and transplanted from the right-of-way; future work included storm sewers, excavation, and installation of granular material. * 75th Street Bike Path project in the southern right-of-way of 75th Street between Country Lane and Nantucket was awaiting ComEd services for utility pole relocation.

... said that Public Works retrofitted the vehicle fleet for the snow plowing season.

... instructed residents to check their mailboxes for structural integrity because snow glides off the plows and creates force, which could cause a mailbox to collapse. He said that if a mailbox was damaged by a plow, the resident should contact Public Works.

... made a public safety reminder to parents, he indicated that snow removal equipment often created mounds of snow on rights-of-way of streets and/or driveways. He said the mounds were often an invitation for children to build forts; he noted that plow drivers do not know if a fort exists within a mound or if children were playing there.

... stated that Crossroads located at 83rd Street & Lemont Road was supposed to have the overhead utility lines buried but the contract contained a rate error, which terminated the ComEd contract.

... commented that the future Steak 'n Shake on 75th Street west of Fairview Avenue completed infrastructure and certain public improvements; median cuts on 75th Street have been excavated; they anticipate a late February store opening with landscaping being completed in spring of 2006.

... stated that First American Bank was reaching completion and intended to open the week of December 21; that Jimmy John's opened in Market Place at 75th & Lyman; that a Japanese Sushi & Steak House would be opening in Darien Towne Centre; and that there would be a Public Hearing at the December 7th Planning and Zoning Commission for the proposed 1.5 Million Gallon Water Tower Project.

... thanked Brita Pagels, the artist who did the renderings of the proposed Water Tower. He displayed the renderings and described the tower.

Alderman Mclvor inquired if salt was cleaned from the streets when there was an excessive amount dumped on the streets. Director Gombac responded 'yes'; the City does have a street sweeping service contract. He indicated that Public Works would pick up spilled salt.

Alderman Poteraske asked if there was a policy for cleaning sidewalks of snow. Director Gombac stated that they were cleaned after 1" but he would verify the amount.

Administrator Vana noted that the proposed Water Tower would accommodate wireless communication companies.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-14

It was moved by Alderman Biehl and seconded by Alderman Gattuso to approve payment of Warrant Number 05-06-14 in the amount of \$75,292.82 from the General Fund; \$12,909.70 from the Water Fund; \$1,699.60 from Motor Fuel Tax Fund; \$7,207.00 from the Impact Fee Agency Fund; \$1,683.62 from the Darien Area Dispatch Center Fund; \$224,765.16 from the General Fund Payroll for the period ending 11/24/05; \$24,134.04 from the Water Fund Payroll for the period ending 11/24/05; \$28,266.98 from the D.A.D.C. Fund Payroll for the period ending 11/24/05; for a total to be approved of \$375,958.92.

Roll Call: Ayes: Biehl, Gattuso, Marchese, Mclvor, Poteraske, Weaver

Nays: None

Absent: Durkin

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 October 10, 2005 meeting and from the October 17, 2005 SPECIAL meeting. She announced that the Committee would meet on Monday, December 12th at 6:30 P.M.

Planning/Development Committee — Chairman Poteraske announced that the Committee had a meeting tentatively scheduled for Monday, December 26th.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes from the November 21, 2005 meeting. He announced that the December 28th meeting was rescheduled to December 19th at 6:45 P.M.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no Questions or Comments to come before the City Council.

14. OLD BUSINESS

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

15. CONSENT AGENDA

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

A. ORDINANCE NO. O-38-05 AN ORDINANCE LEVYING TAXES FOR GENERAL AND SPECIAL CORPORATE PURPOSES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF MAY, 2005, AND ENDING ON THE THIRTIETH DAY OF APRIL, 2006, FOR THE CITY OF DARIEN, ILLINOIS

B. ORDINANCE NO. O-39-05 AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF MAY, 2005, AND ENDING ON THE THIRTIETH DAY OF APRIL, 2006, FOR THE CITY OF DARIEN SPECIAL SERVICE AREA NUMBER ONE KNOWN AS TARA HILL ILLINOIS

C. ORDINANCE NO. O-40-05 AN ORDINANCE APPROVING AN AMENDMENT TO A PREVIOUSLY GRANTED SPECIAL USE AND A VARIATION FROM THE ZONING ORDINANCE (PZC 2005-11: 10250 LEMONT ROAD, GAS CITY SERVICE STATION) ILLINOIS

Roll Call: Ayes: Biehl, Gattuso, Marchese, McIvor, Poteraske, Weaver

Nays: None

Absent: Durkin

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

16. NEW BUSINESS

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Poteraske asked Administrator Vana to update Council on the ComEd flier; Administrator Vana responded that he received a few comments about the postcard sent with the Administrator's Report. He indicated that adjustments had been made to the card and that a postcard would be sent to all residents.

Alderman Biehl thanked the Historical Society for another great tree lighting ceremony, which was held on Sunday, December 4th. He said that the singing was fantastic.

Alderman Poteraske thanked Steve Kowynia, a resident from Ward 3, for taping the tree lighting ceremony; he said that it would be on the City's Cable Channel. He thanked Public Works for their assistance with decorating the tree.

Joan Wayman, 8822 Carlisle Court, stated that she has been meeting regularly with Council and Staff; she thanked Council for making Darien 'A Nice Place to Live'. She sent a letter to Representative Biggert and Dick Smith of the Illinois Department of Transportation with a copy to Senator Radogno, Mayor Weaver, Administrator Vana and Alderman Marchese about the safety issue along I-55. She spoke in support of the sound wall and requested that the value of the sound wall be considered. She requested that residents contact Senator Radogno at (630) 243-0800 and Director Dick Smith at (217) 782-6289. Mayor Weaver indicated that she emailed IDOT with concerns and that IDOT was in the process of holding public hearings for their 2005 Transportation Plan.

Bill Carpenter, 2333 Carlow Drive, said that the sound wall would be a benefit to some homes and that it was a benefit to the City of Darien. He indicated that the project was working with 2003 figures; the cost burden for the sound wall was the responsibility of the residents not the City. He reviewed the survey and

suggested that it only be sent to affected residences. He spoke about decibel levels; that grants had been lost/rescinded, which would increase the cost per home; and if the sound wall was installed and then I-55 was expanded, residents would still be responsible for the cost of the original sound wall.

Alderman Poterasko said that there was nothing in the Huff & Huff study that indicated any benefit from a safety point of view; that the sound wall would not stop vehicles from coming through.

18. ADJOURNMENT

There being no further business to come before the City Council, it was moved by Alderman Biehl and seconded by Alderman McIvor 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 12-05-05.