

Minutes - December 17, 2001

Darien City Council Meeting Minutes: 12.17.01

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 DECEMBER 17, 2001 AGENDA WITH THE CITY COUNCIL AND FOR THE PRESENTATION OF AUDIT BY WOLF & COMPANY LLP.

THE WORKSHOP SESSION ADJOURNED AT 7:28 P.M.

Minutes of the Regular Meeting of the City Council of the CITY OF DARIEN

DECEMBER 17, 2001

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: Joanne F. Coleman, City Clerk
Arthur P. Donner, City Treasurer
John B. Murphey, City Attorney
Rick O. Curneal, City Administrator
Edward Musial, Chief of Police
JoEllen Charlton, Director Community Development
Robert Mengarelli, Asst. Director of Public Works
Robert Rodgers, Asst. Director of Public Works
Barbara Richards, Director of Finance/Administration

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

5. APPROVAL OF MINUTES - December 3, 2001

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to approve the Minutes of the Regular Meeting of December 3, 2001 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

There was no communication received.

7. MAYOR'S REPORT

A. RECOGNITION OF 2001 HOLIDAY HOME DECORATING CONTEST WINNERS

Mayor Soldato welcomed the Holiday Home Decorating Contest Committee. He thanked them for all of their efforts and turned the meeting over to Chairperson Jeannette Campo. Chairperson Campo thanked committee members Cindie Hagen, Gene Kolling, Dorothy Miller, Anna & Herman Fein and Kathy Kolling for their participation. Ms. Campo congratulated each 2001 Holiday Home Decorating contest "Honorable Mention" and spoke briefly about each decorated home. Mayor Soldato presented each with a Certificate; they were:

Joe Komerska, 7810 Stratford Place;
Peter Alice, 143 Iris Road;
Kenneth & Debbie Stanis, 106 Janet Avenue;
Michael Rinella, 7811 Carlton Road;
Anna Waner, 8730 Carriage Green Drive;
William & Diane Shearer, 7809 Florence Avenue;
David Siebold, 7317 Sunrise Avenue;
Anthony Truhlar, 8408 Cramer Lane;
Phil Lampugnano, 3228 Beller Road; and
Mr. & Mrs. Anthony Corso, 7031 Seminole Drive.

Chairperson Campo congratulated the following winners and Mayor Soldato presented them with a Certificate and check:

* Fifth Place Winner was Thomas Ryle, 7924 Glen Lane. Mayor Soldato presented him with the 5th Place Certificate and a \$25.00 check.

* Fourth Place Winner was John and Linda Vrchota, 504 Easy Street. Mayor Soldato presented them with the 4th Place Certificate and a \$25.00 check.

* Third Place Winner was Paul & Launa Aguirre, 1522 Claremont Drive. Mayor Soldato presented them with the 3rd Place Certificate and a \$50.00 check.

* Second Place Winner was Dick & Gloria DuSatko, 3140 Beller Road. Mayor Soldato presented them with the 2nd Place Certificate and a \$100.00 check.

* First Place Winner was Mr. & Mrs. Steven Hynek, 2001 Black Swan Court. Mayor Soldato presented them with the 1st Place Certificate and a \$200.00 check.

All participants received a hearty round of applause from the audience and Council for sharing their Holiday spirit.

8. CITY CLERK'S REPORT

Clerk Coleman...

... stated that FREE Christmas tree pickup would take place the weeks of January 7 and 14, on the regularly scheduled trash pickup day. No stickers are needed.

... reminded everyone that City offices would be closed on December 24th & 25th and January 1st in observance of the Holidays.

... informed everyone that the Cable Commission cancelled their December 20th meeting due to lack of a quorum.

9. CITY ADMINISTRATOR'S REPORT

Administrator Curneal commented that the banner displayed in the atrium of City Hall was created by 8th Grade art students from Cass Junior High School.

10. DEPARTMENT HEAD REPORT

Community Development Director JoEllen Charlton had no report but wished everyone happy holidays. Alderman Biehl commented that the house at 79th and Mayfair was being worked on. Director Charlton said that there was a Court Order to bring the home into compliance. Alderman Biehl inquired about the house on Cherokee. Attorney Murphey stated that they had been served through the Courts and that a response had not been received.

Alderman Weaver asked how the two homes differed. Attorney Murphey said the Mayfair property had an unusual situation because it was paid for in full and the owner had equity in the property; the Cherokee property was over leveraged due to divorce and outstanding loans, which exceeded the value of the property. He noted that the foreclosure process had been started for the Cherokee property, which would take more time. He said that the City would pursue demolition of the home.

Alderman Marchese inquired if Dominick's or Safeway had contacted the City. Director Charlton responded that there was a meeting with Dominick's to review discussions; she said that there had not been a submittal. Alderman Marchese commented that he felt they were avoiding the recommended changes and that time was running out. Mayor Soldato said that was why the issue came before Council, to allow an extension of time, and to demonstrate that the City cooperated with them.

11. TREASURER'S REPORT

A. WARRANT NUMBER 01-02-16

It was moved by Alderman Tikalsky and seconded by Alderman Durkin to approve payment of Warrant Number 01-02-16 in the amount of \$161,212.84 from the General Fund; \$14,191.08 from the Darien Area Dispatch Fund; \$75.00 from the Hotel/Motel Fund; \$270,582.50 from the Joint use Facility Fund; \$12,064.90 from the Motor Fuel Tax Fund; \$180.00 Special Service Tax Fund; \$678,742.75 from the Water Operations Fund; \$208,431.44 from the General Fund Payroll for the period ending 11/29/01; \$13,431.50 from the Water Fund Payroll for the period ending 11/29/01; \$23,907.65 from the D.A.D.C. Fund Payroll for the period ending 11/29/01; for a total to be approved of \$1,382,819.66.

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

Nays: None

Absent: None

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 November 12, 2001 meeting. She announced that the next scheduled meeting would be held on Monday, January 14th, at 6:30 P.M.

Planning/Development Committee - No report.

Public Works Water/Streets Committee - No report.

13. QUESTIONS AND COMMENTS - AGENDA RELATED

Paul Rymek, 6612 Ridge Road, inquired about the motivation for the annexation at 67th Street and Ridge Road, which included his property. Mayor Soldato responded that the land was subject to future redevelopment and that development should include Darien's best interest. Mr. Rymek asked if the land would remain residential; Mayor Soldato affirmed and explained that annexing the parcels north of 65th Street was required by law.

14. OLD BUSINESS

There was no Old Business to come before the City Council

15. CONSENT AGENDA

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

- A. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE AND INSTALLATION UPGRADE EQUIPMENT FOR OUR OUTDOOR WARNING SIRENS IN THE AMOUNT OF \$5,535.00
- B. CONSIDERATION OF A MOTION TO APPROVE RECOMMENDATION TO AWARD CONTRACT TO LIQUID ENGINEERING TO CLEAN AND INSPECT THREE WATER TOWERS IN AN AMOUNT NOT TO EXCEED \$11,395.00
- C. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF FIVE 2002 FORD CROWN VICTORIA'S IN THE AMOUNT OF \$100,015.00
- D. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF A PLAYBACK SYSTEM AND ACCESSORIES FROM MCSi IN THE AMOUNT OF \$7,119.00
- E. ORDINANCE NO. O-49-01 AN ORDINANCE ANNEXING CERTAIN PROPERTY PURSUANT TO SECTION 7-1-13 OF THE ILLINOIS MUNICIPAL CODE
- F. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR OUR LADY OF PEACE HOLY NAME SOCIETY

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

16. NEW BUSINESS

- A. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION PLACING A QUESTION OF PUBLIC POLICY (HOME RULE) ON THE BALLOT AT THE MARCH 19, 2002 GENERAL PRIMARY ELECTION

It was moved by Alderman Hagen and seconded by Alderman Tikalsky to approve RESOLUTION NO. R-35-01 A RESOLUTION PLACING A QUESTION OF PUBLIC POLICY ON THE BALLOT AT THE MARCH 19, 2002 GENERAL PRIMARY ELECTION (HOME RULE) as presented.

Attorney Murphey explained that when the Special Census was completed in the 1990s, the City's population exceeded 25,000, which made Darien a Home Rule unit. He noted that as a result of the 2000 Census, the City's population dropped below 25,000. He said that under State law that if the population was below 25,000 a Referendum must be placed on the ballot for the next election in order to determine whether the City should continue to be a Home Rule unit. He said that if this Resolution was approved by Council, the referendum would appear at the end of the ballot on March 19, 2002.

Alderman Weaver inquired about the number of votes needed. Attorney Murphey responded that it must be 50% plus one, the majority of the people who vote.

Clerk Coleman noted that the date under SECTION 2 should read "March 19, 2002".

Mayor Soldato said that Staff was challenging the 2000 Census population numbers and that legally the item must be placed on the ballot.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AMENDING RESOLUTION NO. R-15-01 TO EXTEND THE "BUILDING PERMIT FEE HOLIDAY" PROGRAM TO APRIL 30, 2002

It was moved by Alderman Weaver and seconded by Alderman Durkin to approve RESOLUTION NO. R-36-01 A RESOLUTION AMENDING RESOLUTION NO. R-15-01 TO EXTEND THE "BUILDING PERMIT FEE HOLIDAY" PROGRAM TO APRIL 30, 2002 as presented.

Mayor Soldato clarified that the program was very successful and accelerated resident motivation to improve their homes. He noted that the program would be extended to the end of the City's fiscal year.

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, 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 APPROVING A FINAL PLAT OF RESUBDIVISION (Plainfield Office Buildings 2 - 1430-1510 Plainfield Road)

It was moved by Alderman Cotten and seconded by Alderman Hagen to approve ORDINANCE NO. O-50-01 AN ORDINANCE APPROVING A FINAL PLAT OF RESUBDIVISION (Plainfield office Buildings 2 - 1430-1510 Plainfield Road) as presented.

Alderman Weaver noted that the developer stated that leasing was an unattractive option, that selling was more attractive. Director Charlton said that tenants wanted to buy not just lease. Alderman Weaver inquired about a maintenance agreement; Director Charlton responded that a similar situation occurred with Crossroads. Director Charlton said that the project would still be controlled by the original approved ordinances and that if changes were proposed, the original ordinances would require an amendment.

Clerk Coleman commented that the maintenance agreement was to be approved in-house prior to recording and that Sievers Development owed the City \$1,023.00. She noted that the outstanding invoice must also be paid prior to recording.

Alderman Durkin inquired who would be responsible if flooding occurred from the project if ownership of the buildings changed. Director Charlton stated that the developer posted security to cover all of the public improvements including stormwater control. She said that until the project was completed and as-builts were received, which would certify that the project was built to plan, the developer was responsible regardless to ownership.

Attorney Murphey stated that the following language would be inserted under SECTION 2: Conditions of Approval: "3. The developer shall prepare the property owners association documents for staff review and City Council approval prior to recording."

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0
MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Mayor Soldato spoke about the forced annexation, which was a unique step for the City and Council; he said the annexation was done in order to gain control over how the 67th Street and Ridge Road area developed.

Alderman Hagen wished everyone a Merry Christmas.

Alderman Biehl said that residents from Sunrise and Elm complained about high school students who were parking in the area and creating deep ruts in the right-of-way. Administrator Curneal suggested contacting the residents to inquire if they were interested in parking restrictions.

Alderman Marchese questioned the City's role with the sanitary/storm sewer problem along 71st Street. Asst. Director Mengarelli responded that it was a sanitary problem and that the County had not decided how to proceed. He said that they had been televising the lines to determine the necessary repair. Mayor Soldato suggested that written communication be directed to the County in regard to the problems.

Robert Bludgen, 930 Cherokee Drive, said that 1001 Cherokee Drive had been sold at auction and the new owner introduced himself to Mr. Bludgen. He indicated that the new owner was taking possession of the property on December 18th.

18. EXECUTIVE SESSION - LITIGATION SECTION 2(c)(11), AND PURCHASE OR LEASE OF REAL ESTATE, SECTION 2(c)(5), OF PUBLIC ACT 88-261

It was moved by Alderman Tikalsky and seconded by Alderman Biehl to adjourn into Executive Session for the purpose of discussing Litigation, Section 2(c)(11), and Purchase or Lease of Real Estate, Section 2(c)(5), of Public Act 88-261, 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

19. ADJOURNMENT

The City Council adjourned into Executive Session at 8:50 P.M. and upon proper reverse roll call, adjourned at 9:45 P.M. There being no further business to come before the City Council, it was moved by Alderman Tikalsky and seconded by Alderman Biehl to adjourn.

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 9:45 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 12-17-01. Minutes of 12-17-01 CCM
December 17, 2001