

Minutes - October 6, 2003

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 OCTOBER 6, 2003 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 6, 2003

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: Morgan Cotten John F. Poteraske, Jr.

David Hagen James Tikalsky

Joseph Marchese Kathleen Moesle-Weaver

Absent: Richard Biehl

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

Robert Rodgers, Asst. Director of Public Works

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

APPROVAL OF MINUTES — September 15, 2003

It was moved by Alderman Poteraske and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of September 15, 2003, as presented.

Alderman Weaver stated that she had made comments about annexations and the Goal Setting Session; the comments were not addressed within the Minutes. Clerk Coleman stated that she would review the tape.

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

Nays: None

Absent: Biehl

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Poteraske received communication from

. . Michael Quijano, 7100 block of Exner Road, regarding signage; he asked that a sign be posted 'do not block intersection' for southbound Cass Avenue at 73rd Street. Alderman Poteraske asked that staff contact DuPage County.

. . Fred Wilson, 7200 block of Whittier Drive, had a problem with newly installed sidewalk; the problem was quickly resolved with staff, contractor and resident.

Alderman Weaver stated that she received additional emails that opposed the proposed development at 67th Street & Bentley Avenue from the Busic and Schardt families. She submitted the emails for the record.

7. MAYOR'S REPORT

MAYORAL PROCLAMATION "FIRE PREVENTION MONTH" (October)

Mayor Soldato read the Proclamation and declared October as "Fire Prevention Month". He called upon citizens to participate in fire prevention activities at work and school to ensure their safety and the safety of their families and friends in the event of a fire.

Mayor Soldato spoke about the waste hauler strike; he turned the meeting over to Administrator Vana. Administrator Vana stated that the City had a contingency plan but due to negotiations the plan would not be placed into effect. He said that dumpsters would be placed in the City Hall/Police Department parking lot for residents to dispose of garbage. He noted that for updates, residents should check the City's web

site, cable channel and phone system. Mayor Soldato stated that the City Attorney would review the BFI contract to see if there was a breach of contract.

8. CITY CLERK'S REPORT

Clerk Coleman...

... invited everyone to have Coffee with Mayor Soldato on Saturday, October 18th, from 9:00 until 10:00 A.M. at Darien City Hall in the Council Chambers.

... expressed sympathy to the family of Miki Pankow. Clerk Coleman stated that Miki was the City's first employee and that she was a past Citizen of the Year. She gave details of the visitation, prayer and church services.

2004 VEHICLE STICKER LOTTERY

City Clerk Coleman gave a brief overview of the program; stated that ten non-for-profit organizations were asked to participate; and said that two local organizations responded that they would take part in the 2004 Vehicle Sticker Lottery. The organizations included Darien Historical Society and Darien Woman's Club. She asked Attorney Murphey to pull the winning organization; the 2004 Vehicle Sticker Lottery winner was Darien Historical Society.

CITY ADMINISTRATOR'S REPORT

Administrator Vana stated that the City was waiting to hear from DuPage County in regard to their permitting with the State for the Dale Basin.

10. DEPARTMENT HEAD REPORT

Asst. Director of Public Works Robert Mengarelli...

... reported that 2003 Street and Sidewalk programs had been completed.

... noted that installation of two streetlight installation requests had been approved by the Public Works Water/Streets Committee; both streetlights had been installed.

... stated that the 50/50 Tree Program was schedule to begin October 7th; he said that 30 trees would be planted, which included 14 trees along 75th Street.

... commented that the department would be changing their equipment from summer to winter at the end of October, after the last brush pickup.

Mayor Soldato inquired about the traffic counters he saw on 67th Street; Asst. Director Mengarelli stated that a traffic count was requested by Chief Pavelchik at 67th Street & Clarendon Hills Road, which was complete; he stated that traffic count had been requested for 67th Street & Ridge Road, which would be completed at the end of the week.

11. TREASURER'S REPORT

A. WARRANT NUMBER 03-04-09

It was moved by Alderman Hagen and seconded by Alderman Poterasko to approve payment of Warrant Number 03-04-09 in the amount of \$123,364.27 from the General Fund; \$19,705.77 from the Water Fund; \$10,262.91 from Motor Fuel Tax Fund; \$186,052.00 from the Towne Center Sales Tax Fund; \$150.00 from the Hotel/Motel Tax Fund; \$1,851.80 from Special Service Area Tax Fund; \$9,630.53 from the Darien Area Dispatch Fund; \$300.00 from Joint Use Facility Fund; \$213,973.02 from the General Fund Payroll for the period ending 09/18/03; \$20,492.38 from the Water Fund Payroll for the period ending 09/18/03; \$25,873.27 from the D.A.D.C. Fund Payroll for the period ending 09/18/03; for a total to be approved of \$611,655.95.

Roll Call: Ayes: Cotten, Marchese, Poterasko, Tikalsky, Weaver

Nays: Hagen

Absent: Biehl

Results: Ayes 5, Nays 1, Absent 1

MOTION DULY CARRIED

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the September 8, 2003 meeting. She announced that the Committee would meet on October 13, 2003 at 6:30 P.M.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Mr. Dan Drenth, 6714 Clarendon Hills Road, presented a Petition for police enforcement of 30 MPH speed limit on Clarendon Hills Road from 67th to 71st Street.

14. OLD BUSINESS

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

15. CONSENT AGENDA

Mayor Soldato noted that Consent Agenda Item C had been removed from the Agenda during the Work Session and that Consent Agenda Item D was moved to New Business as Item C.

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

A. ORDINANCE NO. O-32-03 AN ORDINANCE APPROVING A COMPREHENSIVE REVISION TO CHAPTER 3, ARTICLE 8, "DOGS AND CATS," OF THE CITY OF DARIEN CITY CODE

B. RESOLUTION NO. R-32-03 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT FOR WEBSITE DEVELOPMENT AND RELATED SERVICES BETWEEN THE CITY OF DARIEN AND MUNICIPAL WEB SERVICES

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

Nays: None

Absent: Biehl

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

16. NEW BUSINESS

CONSIDERATION OF A MOTION TO APPROVE APPOINTMENTS TO CITIZEN OF THE YEAR COMMITTEE – Kathy Abbate, Joan Graham, Debby Heniff, Kathy Lyons, Fran Mazzolini, and David Mendez

It was moved by Alderman Marchese and seconded by Alderman Weaver to approve the appointments of Kathy Abbate, Joan Graham, Debby Heniff, Kathy Lyons, Fran Mazzolini, and David Mendez to the Citizen of the Year Committee, as presented.

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

Nays: None

Absent: Biehl

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

City Clerk Coleman administered the Oath of Office to Committee members Kathy Abbate, Joan Graham, Debby Heniff, and Kathy Lyons; they received congratulations from the Council and a round of applause.

Clerk Coleman extended sympathy to Fran Mazzolini and family on the death of her daughter-in-law.

CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (TARA HILL SUBDIVISION)

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

RESOLUTION NO. R-33-03 A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (TARA HILL SUBDIVISION) as presented.

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

Nays: None

Absent: Biehl

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A RESUBDIVISION, GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, FINAL PUD APPROVAL FOR PHASE I, INCLUDING A SPECIAL USE FOR 2 DRIVE-THRU LANES, AND IMPOSING CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS RELATED THERETO (PZC 2003-08: Intrepid PUD, 75th Street West of Fairview Avenue)

It was moved by Alderman Tikalsky and seconded by Alderman Marchese to approve an Ordinance Approving a Resubdivision, Granting a Special Use for a Planned Unit Development, Final PUD Approval for Phase I, including a Special Use for 2 Drive-Thru Lanes, and Imposing Certain Conditions, Restrictions and Limitations Related Thereto (PZC 2003-08: Intrepid PUD, 75th Street west of Fairview Avenue), as presented.

Alderman Weaver requested this item be moved from Consent Agenda to New Business as she was opposed to approving an ordinance that did not delineate the user of the second parcel. Aldermen Weaver and Hagen stated they were opposed to the proposed 2 drive-thrus because it had not been determined what would occupy the second parcel.

Roll Call: Ayes: Marchese, Tikalsky

Nays: Cotten, Hagen, Poteraske, Weaver

Absent: Biehl

Results: Ayes 2, Nays 4, Absent 1

MOTION FAILED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese stated that the Darien Lions Club Candy Day was scheduled for Friday and Saturday, October 10th and 11th. He said that 40% of the money collected stayed within the community.

Alderman Weaver asked about the Kiwanis request for a donation; there was discussion that if a donation was made for one it would need to be made for all.

Alderman Poteraske commented...

- that the Kiwanis Club was having a fundraiser/fashion show at the Willowbrook Holiday Inn on October 11th from 11:30 A.M. until 3:00 P.M., \$25.00 per ticket.

- that the Darien-Woodridge Fire Protection District was having an 'Open House' on Saturday, October 11th from 11:00 A.M. until 3:00 P.M.

- that he attended the Downers Grove Sanitary District 'Open House' on Saturday, October 4th.

Luke Peterson, 1026 Janet Avenue, expressed concern regarding noise from the self-service car wash on Plainfield Road. He noted that 10-12 homes were affected by the noise and that loitering was a persistent problem. Mayor Soldato responded that the development/redevelopment of the area would enhance the area; he stated that the City would look at regulations and consideration of better uses for the area. He

said that the Administrative/Finance Committee would review noise regulations; Chairman Weaver stated that this item would be on the Committee's October 13, 2003 agenda for discussion purposes.

Michael Stratis, representative of Intrepid, stated that the property at 75th Street west of Fairview Avenue was under contract for a year and that staff had been reviewing proposals for the last six months. He stated that he had a choice to either drop the contract or go forward with the only retailer interested in the parcel, Steak 'N Shake. He said that he had sent information and/or spoken with over 300 retailers about the site. Mr. Stratis commented that he could move forward with the bank and Steak 'N Shake. The restaurant would be a 24-hour operation; they required a one-acre parcel and the parcel was 1.9 acres. He also noted that Gallagher & Henry had a backup offer for the site. The Council was polled about a 24-hour operation on the site; Aldermen Weaver, Poteraske, Cotten, Marchese, Tikalsky, and Hagen opposed a 24-hour operation. There was discussion about the second parcel and its potential development.

Attorney Murphey advised the Council they could motion to reconsider the ordinance and amend it to remove one of the drive-thrus on the second parcel. He noted the developer would still have to come back to the City Council for approval on the second site, but a public hearing would not be required.

A. CONSIDERATION OF A MOTION TO RECONSIDER AN ORDINANCE APPROVING A RESUBDIVISION, GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, FINAL PUD APPROVAL FOR PHASE I, INCLUDING A SPECIAL USE FOR 2 DRIVE-THRU LANES, AND IMPOSING CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS RELATED THERETO (PZC 2003-08: Intrepid PUD, 75th Street West of Fairview Avenue)

It was moved by Alderman Cotten and seconded by Alderman Hagen to reconsider an Ordinance Approving a Resubdivision, Granting a Special Use for a Planned Unit Development, Final PUD Approval for Phase I, including a Special Use for 2 Drive-Thru Lanes, and Imposing Certain Conditions, Restrictions and Limitations Related Thereto (PZC 2003-08: Intrepid PUD, 75th Street west of Fairview Avenue).

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

Nays: None

Absent: Biehl

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

MOTION TO AMEND

B. CONSIDERATION OF A MOTION TO AMEND AN ORDINANCE APPROVING A RESUBDIVISION, GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, FINAL PUD APPROVAL FOR PHASE I, INCLUDING A SPECIAL USE FOR 2 DRIVE-THRU LANES, AND IMPOSING CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS RELATED THERETO (PZC 2003-08: Intrepid PUD, 75th Street West of Fairview Avenue)

It was moved by Alderman Cotten and seconded by Alderman Poteraske to amend an Ordinance Approving a Resubdivision, Granting a Special Use for a Planned Unit Development, Final PUD Approval for Phase I, including a Special Use for 2 Drive-Thru Lanes, and Imposing Certain Conditions, Restrictions and Limitations Related Thereto (PZC 2003-08: Intrepid PUD, 75th Street west of Fairview Avenue) as presented.

Attorney Murphey stated that the following changes should be made to "Section 4: Special Use for Drive-Thru Lanes Approval" of the proposed Ordinance. He suggested the following language be stricken in lieu of what had been proposed:

"Pursuant to Section 5A-2-2-6: Special Uses, of the Darien City Code, a Special Use Permit is given to allow the construction of a drive-thru facility on both Lots 1 and 2, where the drive-thru facility on Lot 2 is in connection with the proposed one-story bank building, Lot 2, as depicted on the plans noted herein, and the drive-thru facility on Lot 1 is in connection to future improvements to be completed during Phase II of the PUD."

Attorney Murphey referred to "Section 6" of the proposed Ordinance; he stated that the City's Zoning Ordinance stated that if nothing happened within a year on an approved preliminary PUD that the City Council could consider that cause to terminate the PUD.

Mayor Soldato stated that the Petitioner proposed a bank on Lot 2 and an unknown use on Lot 1; he said that Council was concerned about the 'unknown' use and granting the capability of a drive-thru.

Alderman Hagen requested clarification that the proposed use would not need to be reviewed by the Planning and Zoning Commission; Attorney Murphey stated that it would not need a Public Hearing but would be reviewed by the Commission for conformity. Mayor Soldato stated that it was a Planned Unit Development with permitted uses.

Alderman Weaver inquired about revisions to permitted uses listed under B2 zoning prior to development of the second parcel; Attorney Murphey responded that the developer would have to abide by what was allowed at the time of submittal.

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

Nays: Weaver

Absent: Biehl

Results: Ayes 5, Nays 1, Absent 1

AMENDING MOTION CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A RESUBDIVISION, GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, FINAL PUD APPROVAL FOR PHASE I, INCLUDING A SPECIAL USE FOR 2 DRIVE-THRU LANES, AND IMPOSING CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS RELATED THERETO (PZC 2003-08: Intrepid PUD, 75th Street West of Fairview Avenue) AS AMENDED

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

ORDINANCE NO. O-33-03 AS AMENDED AN ORDINANCE APPROVING A RESUBDIVISION, GRANTING A SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, FINAL PUD APPROVAL FOR PHASE I, INCLUDING A SPECIAL USE FOR 2 DRIVE-THRU LANES, AND IMPOSING CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS RELATED THERETO (PZC 2003-08: Intrepid PUD, 75th Street West of Fairview Avenue) – AS AMENDED

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

Nays: Weaver

Absent: Biehl

Results: Ayes 5, Nays 1, Absent 1

MOTION DULY CARRIED

ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:50 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 10-06-03.