

Minutes - September 7, 2004

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY CITY CLERK COLEMAN FOR THE PURPOSE OF REVIEWING ITEMS ON THE SEPTEMBER 7, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:25 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
SEPTEMBER 7, 2004

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 City Clerk Joanne F. Coleman.

ELECTION OF MAYOR PRO-TEM

Clerk Coleman stated that Mayor Soldato was out of town and unable to attend the meeting; she asked Council for nominations for Mayor Pro-Tem.

It was motioned by Alderman Tikalsky and seconded by Alderman Hagen to appoint Alderman Richard Biehl as Mayor Pro-Tem. There being no other nominations, she closed the election and called for the question.

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

Nays: None

Abstain: Biehl

Absent: None

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

2. PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Biehl 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 John F. Poteraske, Jr. David Hagen James Tikalsky Kathleen Moesle-Weaver

Also in Attendance: Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer Judith N. Kolman, 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

4. DECLARATION OF A QUORUM — There being seven Aldermen present, Mayor Pro-Tem Biehl declared a quorum.

5. APPROVAL OF MINUTES – August 16, 2004

It was moved by Alderman Cotten and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of August 16, 2004, as presented.

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

Nays: None

Abstain: Tikalsky

Present: Weaver

Absent: None

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

6. RECEIVING OF COMMUNICATIONS

Alderman Marchese read into the record an email from Pamela Pusinelli, 2204 Donegal Drive, regarding the hours of solicitation.

Alderman Cotten reiterated dissatisfaction from numerous residents about ComEd's lack of response to the 6-7 hour power outage that resulted from a recent storm and caused damage.

Alderman Biehl... * received email from Cynthia Baker, 6810 Bentley Avenue, regarding tree obstruction on 67th Street for traffic turning westbound off Bentley; he noted that Public Works rectified the problem. * spoke with Rich Little concerning a culvert on 67th Street & Bentley; he said the issue was being taken care of. * met with Jack Morge of Crest Road in regard to flooding of the area.

7. MAYOR'S REPORT

No Report.

8. CITY CLERK'S REPORT

Clerk Coleman...

... invited everyone to attend Coffee with Mayor Soldato on Saturday, September 18th, from 9:00 until 10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road.

... stated that DarienFest would take place the weekend of September 10, 11 & 12.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana updated Council on the Dale Basin progress in the Administrator's Report of September 3rd. He said there was a preconstruction meeting on the Crest Road project and that the contractor had not contacted the utility companies to relocate fiber optic and gas lines; he said there was

no timeframe on the relocation. The project was anticipated to begin late Fall or early Spring. He noted that as information was received he would update Council and residents.

Alderman Poteraske commented that the type of plantings that were to be utilized for the project could only be planted during late Spring/early Summer and that the final product would not be in until June/July. The engineer for the project indicated that grass-type material would be placed in order to eliminate mud.

10. DEPARTMENT HEAD REPORT

Community Development Director Gregory Dreyer...

... updated Council regarding activity within Darien: the grocery store within Brookhaven Shopping Center is scheduled to open in September and some other tenants were relocating.

... commented that construction for Marketplace at Darien, 75th Street & Lyman Avenue, was well underway; several tenants have received building permits. Tenants for the center include: Oak Brook Bank, Chicago Home Fitness, Back to Bed, Caribou Coffee, Cleaners Depot, AT&T Wireless, Vitamin Shoppe, and Sports Clips.

... noted that the Intrepid PUD, 75th Street & west of Fairview Avenue, owners have been negotiating with Steak n Shake and Texas Roadhouse.

... informed Council that there were fourteen (14) applicants/properties within the Farmingdale Subdivision that desired to annex to the City of Darien.

... said that Wight & Co. moved into their new building on August 23rd.

... stated that Darien Corporate Center, 83rd Street & Lemont Road, applied for a permit to construct another office building.

Alderman Weaver inquired about the resident's request regarding the Wight & Co. driveway; Director Dreyer responded that IDOT reviewed the permit and requested a sight distance study because the driveway was on a curve. The study was completed and it did meet IDOT's requirements. There was discussion about the cattails/tall grasses; they have been cut.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-08

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve payment of Warrant Number 04-05-08 in the amount of \$156,694.44 from the General Fund; \$4,553.04 from the Water Fund; \$12,954.73 from the Motor Fuel Tax Fund; \$6,140.61 from the Darien Area Dispatch Fund; \$151.59 from the D.A.R.E. Fund; \$205,743.76 from the General Fund Payroll for the period ending 08/19/04; \$26,315.20 from the Water Fund Payroll for the period ending 08/19/04; \$24,020.79 from the D.A.D.C. Fund Payroll for the period ending 08/19/04; for a total to be approved of \$436,574.16.

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

Nays: Hagen

Absent: None

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No report.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Claude Tubacki, 7501 Grant Street, stated that he resides immediately behind the proposed 24-hour seven days per week Walgreen's pharmacy drive thru in Brookhaven Plaza. He commented that they were not opposed with the drug store but suggested 1) that the drive thru window be relocated ten feet (10') further from the residential area and 2) that the hours of operation for the pharmacy drive thru be limited to 8:00 A.M. until 10:00 P.M.

John Grant, Operation Vice President of Walgreen's, responded to the concerns regarding the 24-hour drive-thru; he stated that the 24-hour drive thru would not significantly impact the residential area because they normally service one customer prescription per hour between 10:00 P.M. and 8:00 A.M.

14. OLD BUSINESS

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

15. CONSENT AGENDA

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

A. RESOLUTION NO. R-20-04 A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (SIDEWALKS)

B. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR THE PURCHASE OF THREE (3) STALKER DUAL RADARS

C. RESOLUTION NO. R-21-04 A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM

D. ORDINANCE NO. O-26-04 AN ORDINANCE AMENDING SECTION 2 OF CHAPTER 3 (PARKING), TITLE 9 (TRAFFIC REGULATIONS), OF THE DARIEN CITY CODE

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, 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 AN ORDINANCE GRANTING A SPECIAL USE AND A MAJOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (PZC 2004-06: WALGREENS PHARMACY, BROOKHAVEN PLAZA PUD)

It was moved by Alderman Marchese and seconded by Alderman Tikalsky to approve AN ORDINANCE GRANTING A SPECIAL USE AND A MAJOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (PZC 2004-06: WALGREENS PHARMACY, BROOKHAVEN PLAZA PUD) as presented.

Alderman Weaver inquired what the vote needed to be since the item was a 'major' amendment to a PUD; Attorney Kolman responded that it would need a simple majority vote according to the Zoning Ordinance.

Alderman Weaver commented about the pharmacies within Darien; she stated that none of the pharmacies were a 24-hour operation and that the other three pharmacies had restricted hours. She suggested relocating the 24-hour pharmacy elsewhere, not in the backyards of a residential area.

Alderman Poteraske agreed with Alderman Weaver. He stated that there had been many noise issues that affected the residential area, which were caused by Brookhaven Foods. He commented that Walgreens worked with the City by relocating the pharmacy window, which was planned to be 50' from the lot line of the residential area, and that the committees were under the impression that drive thru service would be provided from 8:00 A.M. until 10:00 P.M. He suggested a 24-hour walk-in pharmacy instead of the 24-hour drive thru; otherwise there would always be noise issues.

Alderman Hagen stated that the Planning/Development Committee considered the use of telephones instead of speakers, the convenience to customers, and the placement of additional screening. The Committee felt it would be worthwhile to give Walgreens the opportunity to operate a 24-hour pharmacy; he stated that an ordinance could be passed to restrict hours if there was a problem.

Alderman Marchese agreed with Alderman Hagen and the Committee; he did not view the one customer per hour as a problem. He complimented Alderman Poteraske because he worked diligently to alleviate potential problems.

Alderman Weaver agreed with Alderman Poteraske's suggestion to have a 24-hour indoor pharmacy instead of the 24-hour drive thru pharmacy. She felt that there was no demand for a 24-hour drive thru pharmacy.

Alderman Biehl verified that the 24-hour drive thru pharmacy was strictly for medication.

Alderman Poteraske provided Council with statistics regarding local 24-hour pharmacy facilities; the closest 24-hour locations were at Cass & Ogden Avenues or Woodward Avenue & 75th Street.

MOTION TO AMEND

It was motioned by Alderman Poteraske and seconded by Alderman Weaver to amend SECTION 2, add item "3. Limit drive thru hours from 8:00 A.M. until 10:00 P.M."

There was a call for the question on the amendment:

Roll Call: Ayes: Poteraske, Weaver

Nays: Biehl, Cotten, Hagen, Marchese, Tikalsky

Absent: None

Results: Ayes 2, Nays 5, Absent 0 AMENDING MOTION FAILED

MOTION TO AMEND

It was motioned by Alderman Weaver and seconded by Alderman Poteraske to amend SECTION 2, add item "3. To eliminate the drive thru pharmacy in its entirety and make the Walgreens store a 24-hour indoor pharmacy."

There was a call for the question on the amendment:

Roll Call: Ayes: Poteraske, Weaver

Nays: Biehl, Cotten, Hagen, Marchese, Tikalsky

Absent: None

Results: Ayes 2, Nays 5, Absent 0 AMENDING MOTION FAILED

There was a call for the question on the original motion:

ORDINANCE NO. O-27-04 AN ORDINANCE GRANTING A SPECIAL USE AND A MAJOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (PZC 2004-06: WALGREENS PHARMACY, BROOKHAVEN PLAZA PUD) as presented.

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

Nays: Poteraske, Weaver

Absent: None

Results: Ayes 5, Nays 2, Absent 0 MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (DARIEN TOWNE CENTRE PUD: 2201 75th STREET, TGI FRIDAY'S FACADE RENOVATION)

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

ORDINANCE NO. O-28-04 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (DARIEN TOWNE CENTRE PUD: 2201 75th STREET, TGI FRIDAY'S FACADE RENOVATION) as presented.

Alderman Weaver requested sample boards. Director Dreyer responded that the developer submitted them; they were displayed. There was discussion regarding color schemes and materials.

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

Nays: None

Absent: None

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Tikalsky stated that Ward 4 experienced power outages for an extended period of time on multiple occasions. He asked Administrator Vana if he communicated with ComEd on the issue; Administrator Vana responded that ComEd had stated that there were weather related lightening strikes. Alderman Weaver commented that residents needed to contact ComEd when outages occur. Alderman Pateraske stated that perhaps ComEd could bury more cable and that the existing contract could be modified; he said that ComEd needed to trim more of the trees where there was overhead cable. Administrator Vana stated that ComEd had been invited to attend an Administrative/Finance Committee meeting to address City issues, particularly tree trimming. Alderman Biehl suggested a community meeting because the problem was citywide.

Alderman Hagen noted that additional volunteers were needed to sell tickets for DarienFest, particularly for Saturday and Sunday, 4:00 P.M. until closing. He asked that those interested contact either Cindie or Dave Hagen.

Alderman Biehl asked Chief Pavelchik if motorized scooters were legal; he commented that some were being driven on sidewalks and others on streets; he asked if a license was needed. Chief Pavelchik responded that scooters were not addressed or restricted in the motor vehicle code; he said most municipalities addressed scooters through ordinance.

Michael Kidney, 8824 Lake Ridge Drive, read a statement and submitted same for the record. He spoke about the Darien Park District Board. He attended the August 9th meeting in order to address the Board; he said that literature was distributed prior to the meeting, which stated that 25 minutes would be allowed for public comment and that the Board could no longer be questioned in public.

Jack Morge, 7112 Crest Road, addressed Council about the area flooding problem; he said that the residents needed assistance and support from the City in order to have the problem resolved. He commented that Alderman Biehl communicated information between the City, County and residents. Alderman Biehl asked Administrator Vana to contact the County or the contractor to obtain a schedule for the proposed work. Administrator Vana noted that there was bi-weekly communication with the County in regard to the project; he said that there was a list of technical/legal issues regarding Crest Road; he indicated that the contractor finally received a notice to proceed. Mr. Morge suggested that Public Works remove the debris in the swales on Sunrise Avenue, Janet Avenue, and Crest Road to help alleviate the problem.

Mr. Bertucci, 7118 Crest Road, supported and agreed with Mr. Morge's comments.

Art Donner, 7548 Cambridge Road, thanked Council for the conversation regarding ComEd; he stated that the power outages caused extensive home flooding/damage. He felt that the 'grid' needed to be revamped and that ComEd should have a faster response time to outages.

Alderman Weaver said that the City previously had a ComEd liaison and that the City needed another responsive person to speak with residents. Administrator Vana stated that the City needed the liaison's boss to visit and communicate with the City.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 9:10 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 09-07-04.