

## **EXECUTIVE SESSION**

It was moved by Alderman Galan and seconded by Alderman Gattuso to go into Executive Session for the purpose of discussing Sale of Lease of Real Estate, Section 2(C)(6) and Collective Bargaining, Section 2(C)(2) of the Open Meetings Act at 7:00 P.M.

Roll Call: Ayes: Avci, Galan, Gattuso, Poteraske, Schauer

Nays: None

Absent: Marchese, McIvor

Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

## **EXECUTIVE SESSION ADJOURNMENT**

It was moved by Alderman Gattuso and seconded by Alderman McIvor to adjourn into open session.

## **REVERSE ROLL CALL - MOTION DULY CARRIED**

The Executive Session meeting adjourned at 7:35 P.M.

DUE TO THE LENGTHY EXECUTIVE SESSION, THERE WAS NO WORK SESSION.

### **Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**SEPTEMBER 8, 2009**

#### **1. CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:35 P.M. by Mayor 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 Clerk Coleman was as follows:**

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Present: Halil Avci Sylvia McIvor  
John Galan John F. Poteraske, Jr.  
Carolyn A. Gattuso Ted V. Schauer

Absent: Joseph A. Marchese

Also in Attendance: Kathleen Moesle Weaver, Mayor  
Joanne F. Coleman, City Clerk  
Michael J. Coren, City Treasurer (left the meeting at 8:00 P.M.)  
John B. Murphey, City Attorney  
Bryon D. Vana, City Administrator  
Daniel Gombac, Director of Community Development/Municipal Services  
Robert Pavelchik, Police Chief  
Scott Coren, Assistant City Administrator

4. **DECLARATION OF A QUORUM** — There being six aldermen present, Mayor Weaver declared a quorum.
5. **APPROVAL OF MINUTES** – August 17, 2009

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the minutes of the August 17, 2009 meeting, as presented.

Roll Call: Ayes: Avci, Galan, Gattuso, McIvor, Poteraske, Schauer  
Nays: None  
Absent: Marchese

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

6. **RECEIVING OF COMMUNICATIONS**

Alderman Galan...

...received an e-mail from Mr. Barends on 71<sup>st</sup> Street looking for an update on ComEd's replacement of lines behind Chestnut.

Assistant Administrator Coren advised that ComEd has decided to replace all the cable on all three phases, as well as replace sixteen poles in that area. ComEd will follow the city's and Ken Seaton's recommendations. ComEd's tree trimming in the area has been completed. The cable and pole replacement project will begin October 1 between the

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borders of Richmond and Clarendon Hills Road and 69<sup>th</sup> & Chestnut. It is anticipated that the project will take six to eight weeks to complete.

Alderman Galan stated for the record: “Ken Seaton, the city’s consultant, did a heck of a job putting this together, and sticking with us. But even more so, our Assistant City Administrator, Scott Coren, really stayed on top of this, and I’d like to thank him personally for all the efforts he put into this.”

Alderman Avci received telephone calls from Mrs. Zary of 1009 Hickory and Mr. Raymond Hill of 6810 Charleston regarding unfinished parkway restoration following DuPage County projects. Following an e-mail sent to the county by Director Gombac, the restoration work has been successfully completed. Alderman Avci thanked Director Gombac for his prompt attention to this matter.

7. **MAYOR’S REPORT**

Mayor Weaver advised that the quarterly meeting of the Darien Committee for Intergovernmental Coordination was held on Tuesday, September 1, 2009. At the meeting, there was a review of the cooperative intergovernmental projects that have been performed since the program began. The next meeting has been scheduled to take place on November 3, 2009.

8. **CITY CLERK’S REPORT**

City Clerk Coleman...

... invited all to attend Coffee with Mayor Weaver on Saturday, September 19, 2009 at Carmelite Carefree Village from 9:00 A.M. to 10:00 A.M.

...reminded all that DarienFest begins on September 11 through 13, 2009 at Darien Community Park.

9. **CITY ADMINISTRATOR’S REPORT**

Administrator Vana...

...advised that an inaccurate article regarding an inflatable dome for the Hinsdale School District was published in the The Suburban Life. Contrary to the article, the review process in the Village of Hinsdale is very similar to that performed in Darien. Any questions regarding the inaccurate article should be directed to Darien’s City Administrator or Hinsdale High School.

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...advised that the Secretary of State Mobile Unit will be at City Hall on Friday, September 25, 2009 from 10:00 A.M. until 2:00 P.M.

...noted the responses from DuPage County in regards to the city's comments regarding 75<sup>th</sup> Street expansion have been received. Administrator Vana advised that some of the county's responses to the city's comments were very positive. The county's responses to KLOA's comments are forthcoming.

Mayor Weaver requested Director Gombac obtain a date from the county when any further comments regarding the 75<sup>th</sup> Street expansion are due.

Mayor Weaver requested the Treasurer's Report be taken next since Treasurer Coren has to leave the meeting.

10. **TREASURER'S REPORT**

**A. WARRANT NUMBER 09-10-08**

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 09-10-08 in the amount of \$64,813.90 from the General Fund; \$10,428.29 from the Water Fund; \$2,329.57 from the Motor Fuel Tax Fund; \$448.90 from the Darien Area Dispatch Fund; \$27,602.98 from the Capital Improvement Fund; \$214,821.54 from the General Fund Payroll for the period ending 08/27/09; \$23,506.60 from the Water Fund Payroll for the period ending 08/27/09; \$25,316.58 from the D.A.D.C. Fund Payroll for the period ending 08/27/09 for a total to be approved of \$369,268.36.

Roll Call:       Ayes:       Avci, Galan, Gattuso, McIvor, Poteraske, Schauer

                  Nays:       None

                  Absent:      Marchese

Results: Ayes 6, Nays 0, Absent 1

**MOTION DULY CARRIED**

11. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

Chief Pavelchik...

... announced that the Citizens Police Academy will begin on Tuesday, September 15, 2009. The class, which will provide light police training to citizens, will meet every

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Tuesday for 2 ½ hours over a ten week period. Anyone interested in participating should contact Nick Skweres at 630-353-8337.

...recognized retiree Robert Hein who served as a crossing guard for 8 years. A plaque will be presented to Mr. Hein in the near future.

In response to Alderman Gattuso, Director Gombac provided an update on the Walnut construction project. Any resident or Council Member interested in visiting the site to view the construction may contact Director Gombac to make an appointment. The construction company will not allow visitors on site unless accompanied by Director Gombac. If the weather cooperates, it is anticipated the project will be completed by the end of October.

Alderman Avci expressed concern with DuPage County projects which are not completed in a timely fashion. Alderman Avci asked if there is any way for the city to be aware of unfinished county projects.

Director Gombac responded that although the county apprise the city of their projects, they do not provide time frames. Director Gombac explained the process for restoration and why it often takes awhile to complete. Director Gombac has offered the county suggestions to improve their methods of construction.

Alderman Avci requested the city institute a mechanism to provide residents with information on county projects when contacted.

Director Gombac advised that this mechanism has been implemented recently, and the city has improved follow-up with the county.

Alderman Avci inquired and expressed displeasure with the city's recreational vehicle violation letter providing residents with thirty to sixty days to comply rather than following the exact language of the ordinance.

Administrator Vana advised that the city has been working with residents to provide them ample opportunity to make whatever arrangements or improvements are necessary in order to achieve compliance.

Assistant Administrator Coren advised that when a resident is actively working toward compliance, time extensions may be provided.

Alderman Avci feels the sixty day time frame is becoming the standard, and would like to see the ordinance followed.

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Administrator Vana responded that when the ordinance was established, it was very clear that the council's goal was compliance. The program has been working very well.

Alderman McIvor believes that in many cases, a variance may be required in order to achieve compliance. Applications for a variance are reviewed by the Planning & Zoning Commission, the Planning & Development Committee, and the City Council. In those cases, a time extension is necessary.

Alderman Avci understands that an expanded time frame is necessary in certain cases but the sixty day time frame appears to have become common practice. Alderman Avci would like to see staff follow the ordinance to the letter and bring any variations to the council for approval.

Administrator Vana noted that when the ordinance was established, the City Council encouraged enforcement be pursued on a complaint basis. For some residents, compliance is very difficult, time consuming, and costly. Staff has been using some discretion in achieving the ultimate goal of compliance. The program seems to be working very well.

In response to Alderman McIvor, Assistant Administrator Coren advised that enforcement depends on the violation. Immediate compliance with health and safety violations is required. When neither health nor safety are at issue, and the resident is actively seeking and offering a reasonable time frame for compliance, time extensions are granted. Assistant Administrator Coren advised that, of the 20-25 recreational vehicle violation letters issued, only one resident was issued a citation due to non-compliance.

Treasurer Coren left the meeting at 8:00 P.M.

Alderman Poteraske feels the goal is compliance, and that staff must be allowed to use discretion in achieving the goal.

Alderman Schauer concurred with Alderman Poteraske.

Alderman Avci reiterated his objections.

Alderman Galan agreed that the intent of the ordinance is to achieve compliance, which is being accomplished. Alderman Galan suggested that the violation letter be revised to incorporate the ordinance language but offering an opportunity to contact staff to discuss a time extension for compliance.

Alderman McIvor concurred with Alderman Galan's suggestion.

12. **STANDING COMMITTEE REPORTS**

**Planning/Development Committee** — Alderman McIvor advised that the next Planning/Development Committee meeting is scheduled to take place on Monday, September 28, 2009 at 6:30 P.M. in the Council Chambers pending agenda items.

**Administrative/Finance Committee** — Alderman Poterasko advised that the next Administrative and Finance Committee Meeting is scheduled to take place on Monday, September 14, 2009 at 6:30 P.M. in the upstairs conference room.

**Public Works Water/Streets Committee** — Director Gombac advised that the next Public Works Water/Streets Committee Meeting is scheduled to take place on Monday, September 21, 2009 at 6:30 P.M. in the upstairs conference room.

13. **QUESTIONS AND COMMENTS — AGENDA RELATED**

In response to Alderman Avci, Director Gombac advised that the joint purchase of salt with the Darien Park District provided a 40% savings last year, and will save the city 20% this year due to the significant price reduction from last year.

14. **OLD BUSINESS**

There was no old business to come before the City Council.

15. **CONSENT AGENDA**

It was moved by Alderman Galan and seconded by Alderman McIvor to approve by Omnibus Vote the following items on the Consent Agenda.

Mayor Weaver reviewed the items on the Consent Agenda for the benefit of the viewing audience.

**A. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR CASS 63 FOUNDATION FOR EDUCATIONAL EXCELLENCE**

**B. ORDINANCE NO. O-21-09                      CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2009-05: 9001 DARIEN WOODS COURT)**

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- C. **ORDINANCE NO. O-22-09**                    **CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING TITLE 5A, CHAPTER 8, "FENCE REGULATIONS," OF THE DARIEN CITY CODE (PZC 2009-07: TEXT AMENDMENT: FENCE HEIGHT ALONG ROUTE 83)**
- D. **RESOLUTION NO. R-64-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO EXECUTE A JOINT PURCHASING REQUISITION THROUGH THE ILLINOIS DEPARTMENT OF TRANSPORTATION CENTRAL MANAGEMENT SERVICES TO NORTH AMERICAN SALT COMPANY FOR THE PURCHASE OF ROCK SALT FOR ROADWAY DEICING OPERATIONS IN AN AMOUNT NOT TO EXCEED \$205,892.50**
- E. **RESOLUTION NO. R-65-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND THE DARIEN PARK DISTRICT FOR ROCK SALT**

Roll Call:            Ayes:            Avci, Galan, Gattuso, McIvor, Poteraske, Schauer

                          Nays:            None

                          Absent:           Marchese

Results: Ayes 6, Nays 0, Absent 1

**MOTION DULY CARRIED**

16. **NEW BUSINESS**

There was no new business to come before the City Council.

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17. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL**

Mayor Weaver announced that the opening ceremony for DarienFest will take place on Friday at 5:30 P.M. The Eisenhower Band will be performing.

Ted Schimel of 7620 Wilton advised that he has had a boat parked on his property for six years. Prior to purchase, Mr. Schimel obtained permission from the city to store the boat on his property. Mr. Schimel expressed uncertainty as to what needs to be done to comply.

Mayor Weaver suggested Mr. Schimel discuss the ordinance and requirements with Assistant Administrator Coren.

Alderman McIvor added that since the letter was sent by Senior Planner, Michael Griffith, Mr. Schimel might want to meet with him to determine if a variance is necessary.

18. **ADJOURNMENT**

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

**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 8:29 P.M.

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Mayor

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City Clerk

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All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 09-08-09.  
Minutes of 09-08-09 CCM