

Minutes - April 3, 2006

A WORK SESSION WAS CALLED TO ORDER AT 7:10 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE APRIL 3, 2006 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
APRIL 3, 2006

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 Weaver.

2. PLEDGE OF ALLEGIANCE

Troop 56 Boy Scouts, by invitation from 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:

Present: Richard A. Biehl Joseph A. Marchese Carolyn A. Gattuso John F. Poteraske, Jr. Kathleen Moesle Weaver

Absent: William R. Durkin Sylvia McIvor

Also in Attendance: Kathleen Moesle Weaver, 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 Daniel Gombac, Director of Community Development/Public Works

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

5. APPROVAL OF MINUTES – March 20, 2006

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of March 20, 2006, as presented.

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

Nays: None

Absent: Durkin, McIvor

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

6. RECEIVING OF COMMUNICATIONS

Mayor Weaver received an email from Pravin Mehta, which she forwarded to Director Gombac; the email praised two Public Works Water Department employees.

Alderman Biehl... * commented that he received 21 emails, which he submitted for the record, from residents who opposed the rezoning of the property located at 1422 Plainfield Road. * received a phone call from Barb Barder, Chairperson for the Darien Blood Assurance Program; she inquired if the City would host a blood drive on its premises.

Alderman Marchese received email from Lou Mallers, 1411 Pine Cove Court, in regard to sidewalk replacement.

Alderman Poteraske received communication from Don Batryn, 1808 Woodcreek of unincorporated Brookridge, in regard to Streambank Stabilization Program and the erosion of Mr. Batryn's property. Alderman Poteraske stated that he would like DuPage County to be involved, particularly the District 3 Representatives.

Mayor Weaver stated that she... * participated with the Ribbon Cutting Ceremony for the Aodake restaurant in the Darien Towne Centre. * was approached by the Woodridge Jaycees; they want to expand and start a chapter in Darien.

7. MAYOR'S REPORT

A. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION COMMENDING ANDREW DUNWAY SZE FOR HIS ACHIEVEMENT TO THE RANK OF EAGLE SCOUT IN THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS

Mayor Weaver read the Resolution that honored Andrew Dunway Sze for his high ranking achievement of Eagle Scout.

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

RESOLUTION NO. R-12-06 A RESOLUTION COMMENDING ANDREW DUNWAY SZE FOR HIS ACHIEVEMENT TO THE RANK OF EAGLE SCOUT IN THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS as presented.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Marchese, McIvor, Poteraske, Weaver, Coleman, Monaghan, Murphey, Vana

Nays: None

Absent: None

Results: Ayes 11, Nays 0, Absent 0 MOTION DULY CARRIED

Eagle Scout Sze thanked Mayor Weaver and Council for the recognition; he thanked fellow scouts and leaders of Troop 56, his parents, and friends for their continued support and for having the opportunity to serve the community.

8. CITY CLERK'S REPORT

Clerk Coleman...

... announced that City offices would be closed on Friday, April 14th, in observance of Good Friday.

... reminded Council that City Ethic Statements were due by May 1st and Statement of Economic Interest forms were due at the DuPage County Clerk's office by May 1st.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... thanked Council and Darien Chamber of Commerce for the new newsletter "Neighbors of Darien", which was hand delivered to homes last week.

... commented that a Public Hearing was held prior to the Council meeting in regard to the proposed 2006-2007 Budget, which the Council would vote on under New Business. He thanked Council and staff for their hard work.

10. DEPARTMENT HEAD REPORT

Police Department Chief Robert Pavelchik reminded residents to be careful and cautious with their personal property. He indicated that due to the nicer weather crime had increased. He indicated that most were crimes of opportunity due to open garages, unlocked cars, unattended purses, and stolen cars with keys in them.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-21

It was moved by Alderman Biehl and seconded by Alderman Gattuso to approve payment of Warrant Number 05-06-21 in the amount of \$65,233.87 from the General Fund; \$13,473.20 from the Water Fund; \$8,707.83 from the Motor Fuel Tax Fund; \$1,531.55 from the Darien Area Dispatch Center; \$300.00 from the Joint Use Facility Fund; \$232,990.21 from the General Fund Payroll for the period ending 03/16/06; \$24,018.08 from the Water Fund Payroll for the period ending 03/16/06; \$25,472.14 from the D.A.D.C. Fund Payroll for the period ending 03/16/06; for a total to be approved of \$371,726.88.

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

Nays: None

Absent: Durkin, Mclvor

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No Report

Planning/Development Committee — No Report.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes for the Rescheduled March 6, 2006 meeting. He noted that there were two items on the Consent Agenda that the Committee recommended for approval.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Pricilla Rodriguez, 1418 Plainfield Road, spoke in opposition to the rezoning of the property at 1422 Plainfield Road. She indicated that they moved to Darien in 2001 and were in the process of constructing an addition to their single-family home. For the record, she asked for the right to respond to any comments the petitioner may have to say to her, her husband, or her family.

Jose Rodriguez, 1418 Plainfield Road, spoke about a comment made to Mr. Appavu, which was that he did not care; Mr. Rodriguez said that he did care, was building his dream house, and intended to live in it for a long time.

Ron Snyder, 7838 Pine Parkway, thanked Council for listening and hearing the residents' perspective on the rezoning issue. Mr. Snyder said that he was President of the Pine Parkway Homeowners Association, which included 25 families; they adamantly opposed the rezoning of the 1422 Plainfield Road parcel. He spoke about Darien's growth and the intent of the Comprehensive Plan as it had been updated. He asked if the project was in the best interest of the City and all of its residents.

John McPherson, 7818 Pine Parkway, spoke about the good that existed within the community and hoped that the residential value would increase because of demand. He asked that Council vote 'no' to the rezoning of the parcel at 1422 Plainfield Road.

Barb Jones, 7802 Pine Parkway, indicated that she attended all three of the meetings regarding 1422 Plainfield Road. She said that the 'karma' of the community was the result of the collective consciousness of businessmen, residents and political leaders. She indicated that rezoning of the parcel would allow for the eventual construction of another office building. Ms. Jones commented that the definition of 'comprehensive plan' was broad, general and sweeping and that it was not exact, detailed or specific. She asked that Council have a grasp, a grip, an understanding and that there was no fault in rethinking a broad plan.

Mary Burdich, 1421 77th Street, stated that rezoning 1422 Plainfield Road would impact her property. She asked that Council oppose the rezoning.

Andrew Spiegel, Chawla Group, representative of the current owner of 1422 Plainfield Road; he said they were requesting a reduction to the number of required parking spaces from 10 to 5 in order to maintain its residential appearance. He said that the petitioner would use the property in its current configuration, was not going to demolish or build a two-story office building. Mr. Spiegel noted that if the parcel was rezoned to Office that the owner would willingly volunteer to add as a condition to the rezoning that the property would stay in its current configuration and that there would be no redevelopment by the petitioner while on the property without further public hearings.

Aramudhan Appavu, 909 79th Street, spoke about why he chose to live in Darien. He indicated that prior to purchasing 1422 Plainfield Road that he spoke with staff and reviewed the Comprehensive Plan; he signed the purchase contract in September 2005; and he followed procedure for rezoning. He indicated that he had no intention to change the structure, would comply with the landscaping requirements, and requested less parking.

Leonard Ouski of Homer Glen stated that Medicare Home Health Care Guidelines stipulated that a home/health office could not be within a residential home.

Steve Bonfield, 7831 Pine Parkway, suggested a special use variation to allow Mr. Appavu three additional parking spaces without rezoning the parcel, which was not acceptable.

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 Biehl to approve by Omnibus Vote the following items on the Consent Agenda:

A. ORDINANCE NO. O-13-06 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2006-02: 1222 CHAPMAN COURT)

B. ORDINANCE NO. O-14-06 AN ORDINANCE APPROVING A SPECIAL USE FOR A DRIVE-THRU FACILITY AND A VARIATION TO THE ZONING ORDINANCE (PZC 2006-03: 7440 S. KINGERY (ROUTE 83), THE PATIO RESTAURANT)

C. ORDINANCE NO. O-15-06 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (FARMINGDALE TERRENCE PUD, FARMINGDALE APARTMENTS, 712 ANDERMANN LANE)

D. RESOLUTION NO. R-13-06 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT FOR STREET LIGHT MAINTENANCE SERVICES BETWEEN THE CITY OF DARIEN AND MEADE ELECTRIC COMPANY

E. RESOLUTION NO. R-14-06 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2006 STREET MAINTENANCE)

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

Nays: None

Absent: Durkin, Mclvor

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING THE 2006-2007 BUDGET

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

ORDINANCE NO. O-16-06 AN ORDINANCE APPROVING THE 2006-2007 BUDGET as presented.

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

Nays: Biehl

Absent: Durkin, Mclvor

Results: Ayes 4, Nays 1, Absent 2 MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A REZONING FROM THE R-2 SINGLE-FAMILY RESIDENCE DISTRICT TO THE O OFFICE DISTRICT AND A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2005-23: 1422 PLAINFIELD ROAD)

It was moved by Alderman Marchese and seconded by Alderman Weaver to approve an Ordinance Approving a Rezoning from the R-2 Single-Family Residence District to the O Office District and a Variation to the Darien Zoning Ordinance (PZC 2005-23: 1422 Plainfield Road), as presented.

Attorney Murphey explained that the Comprehensive Plan was a guideline; the Comprehensive Plan did not 'trump' the Zoning Ordinance. He spoke about the restriction imposed by an agency other than the City; the City has a Home Occupation Ordinance that would allow individuals to utilize their property in addition to residential use for a business, which would have low impact and no indication of business activity. Attorney Murphey noted that the Ordinance before Council did not contain a reverter clause; the Ordinance did not contain language for a land use to a land user. He said that by rezoning the property, the Council agreed that the transformation of the land use from residential to office classification was appropriate. He addressed the comment about the parking variation; he indicated that it did not answer the basic question outlined in the petition, which was to change the land use; the variation would simply change the parking.

Alderman Marchese spoke about office space within the City of Darien. Mayor Weaver submitted, for the record, a letter from Alderman Durkin in regard to 1422 Plainfield Road.

Roll Call: Ayes: None

Nays: Biehl, Gattuso, Marchese, Poteraske, Weaver

Absent: Durkin, Mclvor

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

C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF DARIEN AND FIRST CAPITAL EQUIPMENT LEASING CORPORATION

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve

RESOLUTION NO. R-15-06 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF DARIEN AND FIRST CAPITAL EQUIPMENT LEASING CORPORATION as presented.

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

Nays: None

Absent: Durkin, Mclvor

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Residents within the audience thanked Council for their consideration.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:45 P.M.

Mayor _____ City Clerk jr All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 04-03-06.