

## **Minutes - December 18, 2006**

### EXECUTIVE SESSION

It was moved by Alderman Marchese and seconded by Alderman Gattuso at 7:00P.M. to move into Executive Session for the purpose of discussing Purchase or Lease of Real Estate as prescribed by Section 2(c)(5) and Collective Bargaining Section 2(c)(2) of Public Act 88-261 with no action to be taken.

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

Nays: None

Absent: Durkin

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

The City Council recessed out of Executive Session at 7:29 P.M.

### Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

DECEMBER 18, 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

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 Sylvia McIvor Carolyn A. Gattuso John F. Poteraske, Jr. Joseph A. Marchese  
Kathleen Moesle Weaver

Absent: William R. Durkin

Also in Attendance: Kathleen Moesle Weaver, Mayor Joanne F. Coleman, City Clerk Kevin 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 six Aldermen present, Mayor Weaver declared a quorum.

#### 5. APPROVAL OF MINUTES: — Regular Meeting and Committee-of-the-Whole Minutes – December 4, 2006

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of December 04, 2006 and Committee-of-the Whole Minutes of December 04, 2006, as presented.

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

Abstain: Biehl

Nays: None

Absent: Durkin

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

## 6. RECEIVING OF COMMUNICATIONS

Alderman Marchese submitted for the record: \* email from Mr. Michael Kidney, 1452 Coventry Court in support of the City Council approving the updated criteria for the City Council to consider taking ownership of certain private residential streets.

\* email from Mr. Will Repole, 8112 Dickens, questioning the City's development plans for the Heritage Plaza at 75th and Cass Avenue and communications addressed to the Council but responded to by Administrator Vana.

Alderman Poteraske relayed a communication with Bani Atassi, D. D. S, 7515 Cass Avenue. She was concerned about the tenant leases within the Heritage Center; Alderman Poteraske advised her that the Council would need at least 60 to 90 days to decide on a course of action. Once that was determined there would be a meeting between the City's administration department and the Heritage Center tenants.

Alderman Mclvor noted receiving an email from a daughter of a new resident of Meyers Senior Commons regarding some safety issues within the facility. Administrator Vana and Director Gombac brought these concerns forward to the DuPage County Housing Authority for their consideration and implementation

## 7. MAYOR'S REPORT

Mayor Weaver...

Noted that from now forward, if time permitted, during the Workshop Session, citizens would have another opportunity to address the Council. This is being done in consideration of those who due to other commitments may not be able to wait until the end of the Council Meeting.

### A. SWEARING IN OF NEW OFFICER – JENNIFER ZIMNY

Mayor Weaver introduced Chief of Police, Robert Pavelchik. Chief Pavelchik introduced Fire and Police Commission Members Carol Gierut and Mark Piccoli. Commissioner Gierut administered the oath of office to Jennifer Zimny after which, Officer Zimny received congratulations from the City Council and a resounding round of applause from those in attendance.

### MATTHEW ASHE RECOGNITION

Chief of Pavelchik then presented a plaque to Nancy Ashe, surviving spouse of Matthew Ashe. The plaque was in recognition of Matt's and eight years of dedicated service as a City of Darien Auxiliary Police Officer. Those in attendance offered a warm round of applause.

#### B. PRESENTATION OF CERTIFICATE OF APPRECIATION BY DUPAGE SENIOR CITIZENS COUNCIL

Greg Weider, Executive Director of the DuPage Senior Citizens Council presented a Certificate of Appreciation to Mayor Weaver for the City's support of the Council's programs and services. Mr. Weider stated the DuPage Senior Citizen Council provides senior nutrition, home maintenance, and chore day programs that have benefited seniors in Darien. Mayor Weaver noted that the City of Darien also believes in enhancing the lives of its senior citizens as demonstrated through our Senior Taxi Program, making flu and pneumonia vaccines available in conjunction with the employee Wellness Program, being home to Myers Senior Commons, promoting the DuPage County prescription drug program, actively participating in Make-A-Difference Day, and noting Prairie State Legal services are available to local senior residents.

#### C. MAYORAL PROCLAMATION "DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH"

Mayor Weaver proclaimed the Month of December 2006 as Drunk and Drugged Driving (3D) Prevention Month in the City Darien and called upon all to support programs and policies to reduce the incidence of impaired driving, and to promote safer and healthier behaviors regarding the use of alcohol and other drugs this December holiday and throughout the coming year.

#### D. RECOGNITION OF 2006 HOLIDAY HOME DECORATING CONTEST WINNERS

Mayor Weaver welcomed the Holiday Home Decorating Contestants and Committee; she turned the meeting over to Chairperson Jeannette Campo. Jeannette introduced and thanked her committee members Anna & Herman Fein, Cindie Hagen, Shari Gillespe and Gene Kolling for their time and efforts. She also thanked Assistant to the Administrator, Scott Coren for his outstanding publicity job. Jeannette indicated that homes were judged on their creativity, originality and theme; she vivaciously described the homes of the finalists.

Honorable Mention Certificates were presented by Mayor Weaver to: \* Lori Reczek, 1118 79th Street \* Randall & Virginia McKenney, 102 68th Street

Chairperson Campo announced the 2006 Holiday Home Decorating Contest Winners: \* Fifth Place Winner was Mr. Phil Lampugnano 3228 Beller Drive; Mayor Weaver presented him with a Fifth Place Certificate and a \$25.00 check. \* Fourth Place Winner was Mr. Ben Santore, 7349 Adams; Mayor Weaver presented him with a Fourth Place Certificate and a \$25.00 check. \* Third Place Winner was Mr. Ray Listermann, 7944 Glen Lane; Mayor Weaver presented him with a Third Place Certificate and a \$50.00 check. \* Second Place Winner was Mr. Aca Arsic, 618 79th Street; Mayor Weaver presented his daughter with a Second Place Certificate and a \$100.00 check. \* First Place Winner was Tim & Haline Sembach, 8572 Ailsworth; Mayor Weaver presented him with a First Place Certificate and a \$200.00 check.

Chairperson Campo noted that the City was offering free Trolley Tours to view the Holiday Home Decorating contest winners; tours were scheduled for December 27th, 28th, and 29th at 6:30 PM and 8:00 PM; reservations were required and could be made by contacting City Hall at 852-5000. In speaking of next year's contest, she encouraged residents to call City Hall to nominate their favorite home.

#### 8. CITY CLERK'S REPORT

Clerk Coleman announced due to the Holidays, the Darien City offices would be closed on Friday, December 22nd, Monday, December 25th, and Monday, January 1st.

She advised that the Monday, January 1st City Council Meeting has been cancelled and announced the next regularly scheduled City Council Meeting is January 15, 2007.

#### 9. CITY ADMINISTRATOR'S REPORT

No Report.

#### DEPARTMENT HEAD REPORT

Chief of Police, Bob Pavelchik, reported that Seniors and Law Enforcement Together (SALT) a committee organized through Downers Grove Township have produced a CD on senior tips to reduce crimes to senior citizens. Chief Pavelchik advised residents to not hesitate in contacting the Police Department if they have any concerns.

In addition, Chief Pavelchik asked that everyone be careful and have a safe holiday by drinking responsibly or designate a driver.

#### 11. TREASURER'S REPORT

##### A. WARRANT NUMBER 06-07-15

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 06-07-15 in the amount of \$69,169.39 from the General Fund; \$85,115.78 from the Water Fund; \$28,760.16 from the Motor Fuel Tax Fund; \$26,424.00 from the Water Depreciation Fund; \$2,077.98 from the Darien Area Dispatch Fund; \$171,577.50 from the Joint Use Facility Fund; \$25,000.00 from the Capital Improvement Fund; \$129,219.20 from the General Fund Payroll for the period ending 12/07/06; \$20,207.35 from the Water Fund Payroll for the period ending 12/07/06; \$28,095.95 from the D.A.D.C. Fund Payroll for the period ending 12/07/06; for a total to be approved of \$585,647.31.

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

Nays: None

Absent: Durkin

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

##### B. MONTHLY REPORT – NOVEMBER 2006

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of November 2006 with the following year-to-date fund balances: General Fund \$3,825,089; Water Fund \$1,061,295; Motor Fuel Tax Fund \$161,311; Water Depreciation Fund \$3,843,232; and Capital Improvement Fund \$1,359,440.

Treasurer Monaghan said those were a lot of numbers. He then thanked Administrator Vana and Accountant Paul Novak for answering questions regarding financing of the project that will come before the Council this evening.

Alderman Biehl asked City Administrator about the revenue and expenditures for a Public Works in the Streets line item. Alderman Biehl indicated that last month from 10/1/05 to 10/31/06, they were over budget by \$139,000. This month, 11/1/06 to 11/30/06, this figure has increased from \$139,000 to \$404,000. City Administrator explained that resident's payment for their portion of sidewalk, driveway and

curb repair are included in the current line item and payments have been coming in, which have increased this amount. Administrator Vana explained there is a correlating amount of revenue that will be adjusted as payments to the contractor are made; the balance will continue to be adjusted.

## 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

Mr. Kidney, 1452 Coventry Court, representing the Norman Court Homeowners Association spoke in favor of the City Council approving the new criteria for the City to take ownership of private residential streets within the City. He thanked City Administrator Vana and Community Development/Public Works Director Dan Gombac for developing the criteria that is being presented tonight. He also thanked Alderman Pateraske, Chairman Public Works/Streets Committee Biehl, and Mayor Weaver for recognizing the importance of this issue for other areas similar to Norman Town Courts.

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

## 15. CONSENT AGENDA

It was moved by Alderman Biehl and seconded by Alderman Gattuso to approve the Consent Agenda as provided.

A. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND FOR SANTA LUCIA CHURCH

B. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURES OF BUDGETED FUNDS FOR THE PURCHASE OF 26 LICENSES FOR MICROSOFT OFFICE SUITE SOFTWARE EIGHTEEN (18) LICENSES FOR THE STANDARD EDITION AND EIGHT (8) LICENSES FOR THE PROFESSIONAL EDITION

C. RESOLUTION NO. R-45-06 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A POWER SUPPLY CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER

D. CONSIDERATION OF A MOTION TO APPROVE THE RECOMMENDATION TO RELEASE THE EXECUTIVE SESSION MINUTES THAT NO LONGER REQUIRES CONFIDENTIALITY

E. RESOLUTION NO. R-46-06 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF DARIEN AND VERIZON WIRELESS TO RENT SPACE AT 8600 LEMONT ROAD FOR CELLULAR ANTENNAS

F. RESOLUTION NO. R-47-06 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION FOR STREET LIGHT MAINTENANCE SERVICES BETWEEN THE CITY OF DARIEN AND MEADE ELECTRIC COMPANY

G. RESOLUTION NO. R-48-06 A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (FIRST AMERICAN BANK, 2013 75TH STREET) –

H. RESOLUTION NO. R-49-06 A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (MARCO ESTATES SUBDIVISION)

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

Nays: None

Absent: Durkin

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE A FUNDING PLAN TO PURCHASE PROPERTY FOR THE REDEVELOPMENT PROJECT AND DIRECT SPEER FINANCIAL, INC. TO PROCEED WITH THE BOND SALE.

It was moved by Alderman Gattuso and seconded by Alderman Marchese to approve a funding plan to purchase property for the redevelopment project and direct Speer Financial, Inc. to proceed with the bond sale as presented.

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

Nays: None

Absent: Durkin

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

B. ORDINANCE NO. O-53-06 AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED IN THE CITY OF DARIEN BUSINESS DEVELOPMENT DISTRICT (7501 Cass Avenue) – Shell Property

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

Nays: None

Absent: Durkin

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

C. ORDINANCE NO. O-54-06 AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY IN THE 75TH AND CASS AVENUE BUSINESS REDEVELOPMENT DISTRICT FOR REDEVELOPMENT PROJECT PURPOSES

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve a an ordinance authorizing the acquisition of certain property in the 75th and Cass Avenue business redevelopment district for redevelopment project purposes.

Attorney Murphy explained that by approving New Business Item B, the Council has authorized the City to enter into a purchase contract with the owner of the Shell property. At the last meeting, the Council approved the purchase of the Heritage Plaza. In accordance with the City's Business Development Plan,

the City wishes to also purchase the B/P site; however negotiations are on going due to the City's wish to ensure that any environmental issues would not prohibit the development of this site. Recent legislation has set a timetable for the City to initiate eminent domain litigation; therefore it is necessary for the City Council to approve this ordinance tonight.

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

Nays: None

Absent: Durkin

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

#### D. CONSIDERATION OF A MOTION TO APPROVE CRITERIA FOR THE CITY TO TAKE OWNERSHIP OF PRIVATE RESIDENTIAL STREETS WITHIN THE CITY

It was moved by Alderman Biehl and seconded by Alderman Marchese to approve criteria for the City to take ownership of private residential streets within the city.

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

Nays: None

Absent: Durkin

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

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

Alderman Biehl and Alderman Mclvor wished Darien residents a happy holiday season and a great new year. Alderman Mclvor extended her congratulations to the residents of Ward 6 for winning first and fifth place in the 2006 Holiday Decorating Contest.

In response to Mayor Weaver's question, Director of Community Development/Public Works Gombac indicated that within the contract of Tree Trimming Program, there would be an inclusion for residents to acquire tree-trimming services. It is a pilot program and would be limited to the first 100 residents within the area of west of Clarendon Hills Road, east of Cass Avenue, north of Plainfield Road and South of 69th Street. The bid opening is scheduled for January 3, 2007. There will be a pass through cost to the residents.

Reverend Mark Powell, a Disciple of Christ minister who resides at 7230 Exner Avenue referred to what he termed "old business" and stated that he had a 90 minute meeting with Patti Bellock regarding school funding in general. He further stated she would be willing to discuss the Darien school funding issue on government cable television. He is asking Darien to consider providing an education summit and provide it on cable television.

The Reverend Powell continued on with a caustic dissertation of what he opined oppressive government within the City of Darien. In response to Mayor Weaver's inquiry that his remarks were a prelude to announcing his candidacy for Mayor, Reverend Powell said, "Madam Mayor, I 'm not running for Mayor. I have no reason to run for Mayor.....I am not going to be a candidate for Mayor of the City of Darien in April of 2007 . I guarantee you that."

In response to his chameleon remarks, Mayor Weaver strongly reprimanded him for coming before this Council numerous times to compliment staff, elected officials of open government and excellent city services only to come here tonight, so close to an upcoming election, to unjustly accuse staff and “those in power” of being oppressive and corrupt.

Reverend Powell presented a Citizen’s Complaint to Chief of Police Pavelchik while his attorney, Jeff Klein asked a full and fair investigation of the complaint. The matter was referred to the Chief of Police for his report; Mayor Weaver offered Attorney Klein a hearing before the Fire and Police Commission should he wish it.

Referring to previous comments on the education commissions and summits made by Reverend Powell, Mayor Weaver challenged him to catch up to her and educate himself on this issue. She told him that she has been on the City Council since 1987 and since that time she has been fighting for education funding reform. Mayor Weaver highlighted the City of Darien’s leadership role under former Mayor Soldato in 1994, to spearhead a DuPage County wide study group on education funding that was approved by the DuPage Mayors and Managers Association and presented to the State of Illinois legislature. Mayor Weaver noted that she and former Mayor Soldato spent over a year of their lives working on these recommendations. She offered Reverend Powell a copy.

Mayor Weaver continued to advise him that after he read this report he would need to read and become familiar with Eikenbury Report on Education Funding, The Metropolitan Symposium on Education Funding and then the report on education funding created by the State Legislature in 2002. She told Rev. Powell, we are covering over 15 years of recommendations and until we have a Governor and a State Legislature that has the guts to deal with education funding we can have meetings until the cows come home and nothing is going to change. She commended him for meeting with Patti Bellock because it is the State of Illinois’ responsibility to fund education, not the City of Darien’s. Mayor Weaver cited the dropping percentages of the State of Illinois education funding. Mayor Weaver said the City of Darien will not be holding an education summit as this responsibility lies with the State of Illinois.

Mr. William Repole, 8112 Dickens, asked the City Council if they have ever considered having a formal communication policy with residents. He indicated that he has sent various communications to the City regarding various issues. City staff vs. City officials has typically responded. He also indicated his opposition in the way that City Council has gone about the development 75th Street and Plainfield and he has not seen a plan for execution.

## 18. ADJOURNMENT

There being no further business to come before the City Council, it was moved by Alderman Biehl and seconded by Alderman Marchese to adjourn to reconvene into Executive Session..

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

Nays: None

Absent: Durkin

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

The City Council meeting adjourned 8:50 P.M.

Mayor \_\_\_\_\_ City Clerk Jfc All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 12-18-06.



