

## **Minutes - November 19, 2001**

Darien City Council Meeting Minutes: 11.19.01

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 NOVEMBER 19, 2001 AGENDA WITH THE CITY COUNCIL. THE WORKSHOP SESSION ADJOURNED AT 7:05 P.M.

Minutes of the Regular Meeting of the City Council of the CITY OF DARIEN

NOVEMBER 19, 2001

### **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 Deputy City Clerk Ragona was as follows:**

Present: Richard Biehl David Hagen  
Morgan Cotten Joseph Marchese  
Sean P. Durkin James Tikalsky  
Kathleen Moesle-Weaver

Also in Attendance: JoAnne E. Ragona, Deputy City Clerk  
Arthur P. Donner, City Treasurer  
John B. Murphey, City Attorney  
Rick O. Curneal, City Administrator  
Edward Musial, Chief of Police  
Nancy Hill, Planner Community Development  
Robert Mengarelli, Asst. Director of Public Works

### **4. DECLARATION OF A QUORUM - There being seven Aldermen present, Mayor Soldato declared a quorum.**

### **5. RECEIVING OF COMMUNICATIONS**

Alderman Marchese said he

\* was contacted by Barbara Urban, 8024 Wildwood, who inquired about City structure, how items originated, and if the process was formal or informal.

\* was contacted by Diane Grabowski, a Downers Grove resident, who inquired about proposed paving work at Kingswood Academy on North Frontage Road.

\* met with State Senator Bill Maher, who inquired about the needs of the City. Senator Maher wrote a letter to Brent Manning, Illinois Department of Natural Resources, and copied Alderman Marchese regarding the conservation grant the City applied for in regard to Wards Creek flooding/erosion.

### **6. MAYOR'S REPORT**

#### **A. DISCUSSION OF HOME RULE**

Mayor Soldato turned the meeting over to Attorney John Murphey in order to discuss Home Rule based

on the 2000 Census.

Attorney Murphey stated that when the Special Census was taken, the City's population exceeded 25,000 and the City automatically became a Home Rule municipality and obtained the powers and authority attributed to Home Rule. He noted that the 2000 Census indicated that the City's population was below 25,000; according to the Illinois Constitution the option must be presented to the voters at the next election to decide if the City should continue as a Home Rule unit. He said that the City needed to adopt a Resolution in order to place the question on the ballot for the next election, which would be the Primary Election in March 2002. He distributed a handout to Council that included information defining Home Rule. He said that he would discuss this issue further with Council at the second meeting in December. He commented that under the Election Code, the City had the right to distribute information to voters explaining Home Rule but not to advocate how to vote.

Alderman Weaver was concerned with the phrasing of the proposed referendum on the ballot; she asked Attorney Murphey to address the verbiage. There was discussion about distribution of the information to voters.

## 7. CITY CLERK'S REPORT

Deputy Clerk Ragona...

... noted that the Plan Commission meeting scheduled for November 21st and the Zoning Board of Appeals meeting scheduled for November 27th were cancelled due to lack of agenda items.

... announced that City offices would be closed on Thursday and Friday, November 22nd and 23rd, in observance of the Thanksgiving Holiday.

... stated that the Fire and Police Commission meeting scheduled for December 4th was rescheduled to November 28th at 7:00 P.M.

## 8. CITY ADMINISTRATOR'S REPORT

Administrator Curneal...

... informed everyone that highly processed wood chips were available by calling the Public Works Department. He said that free delivery of the wood chips could also be arranged.

... reminded Council that the Public Works Department was sponsoring a snow plow rodeo on Wednesday, November 21st.

## 9. DEPARTMENT HEAD REPORT

Police Chief Edward Musial...

... distributed "Summary of False Alarm Reports" through November 16, 2001 to Council. He noted that there were fewer alarms in 2001 than in 2000. He said that collection was being done differently, that more fines were paid on time resulting in fewer being sent to a collection agency.

... spoke about rapid deployment. He said that if there had been an emergency situation involving a shooting, police would arrive at the scene and would have waited for S.W.A.T. to arrive. He noted that this had been proper protocol, but was considered unacceptable due to the response time. Officers are now trained for rapid deployment; they isolate and stop the threat without waiting for S.W.A.T. He hoped that the City would never have to use rapid deployment, but Darien would be ready, if necessary.

## 10. TREASURER'S REPORT

A. WARRANT NUMBER 01-02-14

It was moved by Alderman Cotten and seconded by Alderman Hagen to approve payment of Warrant Number 01-02-14 in the amount of \$92,792.62 from the General Fund; \$9,054.44 from the Darien Area Dispatch Fund; \$461.58 from the D.A.R.E. Fund; \$4,750.98 from the Motor Fuel Tax Fund; \$146,149.59 from the Water Operations Fund; \$145,774.62 from the General Fund Payroll for the period ending 11/01/01; \$12,902.79 from the Water Fund Payroll for the period ending 11/01/01; \$21,556.73 from the D.A.D.C. Fund Payroll for the period ending 11/01/01; for a total to be approved of \$433,443.35.  
Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky Weaver

Nays: None

Absent: None

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

#### 11. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - No report.

Planning/Development Committee - No report.

Public Works Water/Streets Committee - No report.

#### 12. QUESTIONS AND COMMENTS - AGENDA RELATED

There were no agenda related questions or comments from the audience or Aldermen.

#### 13. OLD BUSINESS

There was no Old Business to come before the City Council

#### 14. CONSENT AGENDA

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

A. ORDINANCE NO. O-43-01 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (ZBA 2001-07: 309 Peony)

B. ORDINANCE NO. O-44-01 AN ORDINANCE ADDING SUB-SECTION 9-1-7(C) (OBSTRUCTING SNOW REMOVAL) TO THE PROVISIONS OF SECTION 9-1-7 (DEBRIS ON ROADS) OF THE DARIEN CITY CODE

C. CONSIDERATION OF A MOTION TO APPROVE THE RENEWAL OF SNOW PLOW AGREEMENT WITH THE VILLAS OF CARRIAGE GREENS FOR THISTLEWOOD COURT

D. RESOLUTION NO. R-31-01 A RESOLUTION TO ALLOW MORE THAN 50 MONTHS OF RETROACTIVE SERVICE CREDIT FOR ELECTED OFFICIALS (ILLINOIS MUNICIPAL RETIREMENT FUND I.D. NUMBER 273)

E. RESOLUTION NO. R-32-01 A RESOLUTION AMENDING RESOLUTION NO. R-27-01 AUTHORIZING ADDITIONAL 401 MONEY PURCHASE PLAN ACCOUNT NUMBER 10-7940

F. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2578 ON BEHALF OF STANDARD EQUIPMENT COMPANY IN THE AMOUNT OF \$7,010.00 FOR THE PURCHASE OF

## NECESSARY ATTACHMENTS FOR THE 2001 TRACKLESS MTV

### G. CONSIDERATION OF A MOTION GRANTING A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR DARIEN LIONS CLUB

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

Nays: None

Absent: None

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

## 15. NEW BUSINESS

Mayor Soldato reminded Council that Items A. and B. were removed from the Agenda during the Pre-Council Work Session.

### A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING A COMMUNICATION FACILITY LEASE WITH VOICESTREAM OPERATING COMPANY, L.L.C.

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

ORDINANCE NO. O-45-01 AN ORDINANCE AUTHORIZING A COMMUNICATION FACILITY LEASE WITH VOICESTREAM OPERATING COMPANY, L.L.C.  
as presented.

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

Nays: None

Absent: None

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

## 16. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Diane Grabowski, Downers Grove, and Tim Kelly, Burr Ridge, addressed Council regarding Kingswood Academy. Mr. Kelly stated that Kingswood has been located within Darien for five years and was a private catholic elementary school with 95 students from pre-kindergarten through 8th grade. They are looking for permanent space but were currently renting from the Korean Baptist Church on North Frontage Road. They would like to make improvements to the property by repaving an area for a playground at the rear of the church. Mr. Kelly said that their goal was not to make the area into a parking lot; he indicated that there would be no lines and no regular parking spaces and that a parking lot existed in front. He displayed pictures, which depicted broken gravel and uneven surface. He stated that the pavement would create a safe area for children to play. He noted that Kingswood had been offered generous amounts of paving material and labor and that they could not afford to place curbs and drainage as requested by Code.

Ms. Grabowski stated that volunteers removed the old playground equipment from Center Cass School and relocated the equipment to the Kingswood site, which was placed at the rear of the building. She indicated that due to existing conditions, the surface area was not safe for children to play on.

Mayor Soldato stated that Council was responsible for making the decisions when requests varied from

City Code. He said that the City wanted to have the work done properly; he recommended utilizing the process set forth. He indicated that a 2" overlay would not last, that they needed to make sure that the base was sound, and that the proper materials were utilized for development of the area. He noted that the city was willing to work with Kingswood.

Alderman Weaver inquired if the area was previously a surface parking lot that was in disrepair. Mayor Soldato said that Kingswood did not own the building and was looking to relocate. Planner Hill commented that the property was forcibly annexed last year and that little information existed about the parking lot.

Alderman Marchese said that he visited the site and that the area in question contained potholes and sloped downward, which could be dangerous in icy conditions. He said the proposed playground area would be approximately 800 sq.ft. and the road leading to the rear of the building needed repair.

Mayor Soldato stated that parking lot construction must follow city Code or it could be waived through the process. He noted that a playground was not a parking lot from Monday through Friday.

Alderman Tikalsky said that Kingswood was a tenant and not the owner, and that this was a temporary situation and that a playground had different requirements compared to a parking lot.

Alderman Durkin asked if they would be placing play equipment on top of the asphalt; the response was no that the area would be a hard surface for play. He asked about placement of natural turf, grass; the response was that it would be too costly.

Alderman Weaver noted that in the past, the City had not waived fees for other charitable organizations.

Alderman Marchese suggested placement of fencing around the area to make it a playground.

Mayor Soldato stated that there were two alternatives: 1) follow the process and 2) have the owner agree to the proposed work, which would state that the area was to be used only by the children not by cars.

Ms. Grabowski stated that enrollment was increasing and that they needed to get cars off of Frontage Road to avoid backup. Planner Hill stated that it was clear that vehicles for driving, parking and staging would utilize the paved area. She noted that standards should be met for safe maneuvering.

Mary Ann Bruton, 8433 Alden Lane, addressed the Council regarding construction at 8445 Alden Lane. She stated that construction was not being done in accordance with the variation granted by Council, she noted that materials and plans had changed; that a sidewalk was installed 26" from the property line instead of 5' and that a concrete patio had been installed. Ms. Bruton wanted to know why the resident did not follow the granted variation.

Planner Hill stated that staff understood the complaints and followed up; inspections were conducted in regard to the complaints; that if there was a violation, the resident rectified the violation; and permits had been applied for. She said that much of the work Ms. Bruton described required a permit not a variation and that if a permit was not obtained before work began, the resident was charged double the cost.

Mayor Soldato stated that Council granted a variance on September 17th and that Ms. Bruton stated numerous completed construction items were in violation of the variance. He directed Attorney Murphey to work with Planner Hill to determine if the scope of the work exceeded what was allowed.

Lance Evans, 8409 Alden Lane, addressed Council about inconsistencies with building permit requirements. He noted that he had installed a swimming pool that was 18" into the setback and that he had requested a variation. Neighbors protested and the variance was denied; the City requested that he move the pool three feet, which he did at a cost of \$9,000. He did not feel that this was fair or equitable.

Mayor Soldato reiterated that Attorney Murphey would review the situation.

Elmer Reed, 8408 Alden Lane, stated that many work projects were being done inside and outside at 8445 Alden Lane. He questioned if there were permits and why permits were issued after the fact. He questioned why additional landscaping was not being installed as required by the variance. He also asked what was required to have more police patrols in the area where he lives.

Mayor Soldato said that work should not have exceeded the scope of the variation. He said that staff monitors for compliance, including permits, even when a variation was not required.

Planner Hill stated that the landscaping wall or retaining wall was shown on the plans. The Zoning Board of Appeals recommended that the owner install either landscaping or a fence to screen the deck/patio from the adjoining property. She said the owner complied by installing a fence.

Chief Musial responded that all parts of the City were given equal patrol, but sometimes areas demanded more coverage.

Chris Waz, Westmont, questioned Alderman Durkin's attendance at a Darien-Woodridge Fire Protection District meeting regarding the sale of its property. He said that Alderman Durkin attended the meeting on behalf of the City. Alderman Durkin responded that he attended the meeting as a resident not as a representative of the City.

#### 17. ADJOURNMENT

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 9:00 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 11-19-01.

Minutes of 11-19-01 CCM

November 19, 2001