

Minutes - February 2, 2004

A WORK SESSION WAS CALLED TO ORDER AT 7:05 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE FEBRUARY 2, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:35 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

FEBRUARY 2, 2004

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 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 City Clerk Coleman was as follows:

Present: Richard Biehl John F. Poteraske, Jr. Morgan Cotten James Tikalsky David Hagen Kathleen Moesle-Weaver

Absent: Joseph Marchese

Also in Attendance: Carmen D. Soldato, 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 Gregory Dreyer, Community Development Director Robert Mengarelli, Asst. Director of Public Works Robert Rodgers, Asst. Director of Public Works

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

5. APPROVAL OF MINUTES — January 19, 2004

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve the Minutes of the Regular Meeting of January 19, 2004, as presented.

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

Nays: None

Absent: Marchese

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl conversed with Bob Kuglin, 71st Street & Emerson Drive; Mr. Kuglin wanted to install a new driveway and was looking for assistance with the apron and sidewalk. Alderman Biehl referred him to Public Works.

Alderman Poteraske stated that Mr. Kuglin also wanted to have the curb cut in order to have it lowered.

Mayor Soldato stated that communication was received from Claudia Geocaris, Principal at Hinsdale South High School; she extended an invitation to the City to replay City Council meetings on the School's radio broadcasts.

7. MAYOR'S REPORT

Mayor Soldato thanked residents who obtained signatures to place the question for dissolution of the Darien Park District on the March General Election ballot, which was withdrawn. He spoke about the Darien Park District Board that conducted an Executive Session to discuss the sale of the Sportsplex to a potential buyer; he noted that the session was in violation of the "Open Meetings Act" because Executive Session could only be called to discuss the price.

8. CITY CLERK'S REPORT

Clerk Coleman...

... noted that the Fire and Police Commission rescheduled their February 3, 2004 meeting to Tuesday, February 17, at 7:30 P.M.

... stated that the Planning and Zoning Commission meeting scheduled for Wednesday, February 4, had been cancelled.

... informed everyone that City offices would be closed on Monday, February 16th, for Presidents Day. Due to the Holiday, the City Council would meet on Tuesday, February 17, 2004 at 7:30 P.M.

... advised that February 17th was the last day to register or transfer a registration in order to be eligible to vote in the March 16, 2004 General Primary Election; she also advised that applications for absentee ballots were available at City Hall.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana had no report.

Alderman Hagen inquired about the availability of tickets for the Citizen of the Year Dinner/Dance; Chairman Heniff responded that the format had changed. She instructed people to contact City Hall to make reservations, she noted that tickets would not be distributed, and that payment must be made at or mailed to City Hall.

10. DEPARTMENT HEAD REPORT

Asst. Public Works Director Robert Mengarelli...

... commented that there were only 47 days left until Spring.

... stated that the Tree Trimming Program had not started but would begin shortly; he noted that the area to be trimmed included trees south of 75th Street, west of Cass Avenue, east of Lemont Road, and north of I-55.

... reported that during the first seven weeks of winter, the Department used 900 Tons of road salt; during the past week, they utilized 1,700 Tons of road salt due to weather conditions. He informed Council that they had 550 Tons of road salt stored and were expecting an additional delivery of 200 Tons.

Alderman Cotten inquired if Farmingdale Village was included in the tree trimming program; Asst. Director Mengarelli stated that they were not within the defined area and had been trimmed three years ago.

11. TREASURER'S REPORT

A. WARRANT NUMBER 03-04-17

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve payment of Warrant Number 03-04-17 in the amount of \$57,783.17 from the General Fund; \$21,532.06 from the Water Fund; \$14,209.05 from Motor Fuel Tax Fund; \$171,630.49 from the Towne Center Sales Tax Fund; \$631.25 from the Special Service Area Tax Fund; \$4,211.12 from the Darien Area Dispatch Fund; \$2,244.20 from the D.A.R.E. Fund; \$206,730.25 from the General Fund Payroll for the period ending 01/22/04; \$24,185.57 from the Water Fund Payroll for the period ending 01/22/04; \$22,263.82 from the D.A.D.C. Fund Payroll for the period ending 01/22/04; for a total to be approved of \$525,420.98.

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

Nays: None

Absent: Marchese

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver reminded everyone that the Committee-of-the-Whole budget meetings would be held at the Police Department, the first meeting was scheduled for February 24th at 6:30 P.M. and would continue for three consecutive Tuesdays: March 2nd, 9th, and 16th if needed.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no Agenda related questions or comments.

14. OLD BUSINESS

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

15. CONSENT AGENDA

Both items under the Consent Agenda had been moved to New Business.

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A SPECIAL USE TO THE DARIEN ZONING ORDINANCE (PZC 2003-17: JEWEL-OSCO)

It was moved by Alderman Hagen and seconded by Alderman Cotten to Approve an Ordinance Approving a Special Use to the Darien Zoning Ordinance (PZC 2003-17: Jewel-Osco), as presented.

Alderman Weaver stated her concerns about the hours of operation and asked that those hours be specified within the Ordinance. She asked that the Ordinance be amended to include the hours of operation, particularly Saturday from 8:00 A.M. until 6:00 P.M. and Sunday from 9:00 A.M. until 5:00 P.M.

MOTION TO AMEND

It was moved by Alderman Weaver and seconded by Alderman Poteraske to amend the pharmacy hours to 8:00 A.M. until 10:00 P.M. Monday thru Friday, 8:00 A.M. until 6:00 P.M. on Saturday, and 9:00 A.M. until 5:00 P.M. on Sunday.

Alderman Biehl commented about limitation of the pharmacy hours; he felt that it was more important for a person to have the opportunity to pick up a prescription when needed. He said that drive-thru food businesses had longer hours for operation than those proposed for the pharmacy. He favored the proposed hours: 8:00 A.M. until 10:00 P.M. seven days per week.

Alderman Hagen noted that the hours were restricted and limited to 8:00 A.M. until 10:00 P.M. each day. He said there were no restrictions for the drive-thru operations at Osco or Walgreen's on Lemont Road. Alderman Weaver commented that those two pharmacies were a distance from residential properties compared to the Jewel-Osco at 75th Street & Cass Avenue.

There was a call for the question on the amendment:

Roll Call: Ayes: Poteraske, Weaver

Nays: Biehl, Cotten, Hagen, Tikalsky

Absent: Marchese

Results: Ayes 2, Nays 4, Absent 1 AMENDED MOTION FAILED

Treasurer Monaghan inquired about the proposed buffer wall; Alderman Weaver responded that the wall would contain soundproof materials.

Alderman Weaver stated that she was very much in favor of the project but would have to vote 'no' due to the proposed hours of operation.

There was a call for the question on the original motion

ORDINANCE NO. O-03-04 AN ORDINANCE APPROVING A SPECIAL USE TO THE DARIEN ZONING ORDINANCE (PZC 2003-17: JEWEL-OSCO) as presented.

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

Nays: Poteraske, Weaver

Absent: Marchese

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

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2003-20: 7733 BROOKHAVEN AVENUE)

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

ORDINANCE NO. O-04-04 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2003-20: 7733 BROOKHAVEN AVENUE) as presented.

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

Nays: None

Absent: Marchese

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Poteraske thanked Cub Pack 236 for allowing him to participate in their Pinewood Derby.

Phil Gardner, 2100 Manning Road, stated that he sent a request to speak informally before the Council during their Work Session on February 17th, which would be prior to the City Council meeting. Mayor Soldato asked that Mr. Gardner coordinate the date with Administrator Vana.

Kurt Mach, 1500 Evergreen Lane, read a prepared statement about the efforts of the volunteers who obtained 3,771 signatures in regard to the dissolution of the Darien Park District. He said the setback was temporary and that residents should continue with their efforts in voicing their opinions at Park District meetings.

Attorney Burt Odelson recapped what the citizens/group went through before the Board of Election Commissioners. He said that 3,771 signatures were filed, 2,972 were needed. Over 1,000 names were challenged; he said the allegations were investigated and that 120 names did not match the signature on the voter's card. The volunteers went back to those citizens and asked them to re-sign; they received affidavits. The group withdrew the petitions because thirty-three people had been subpoenaed to a hearing before the Board, which included elderly, ill, people with chronic disease, mothers with children, mothers and fathers who worked, and ordinary working people. He said he had received calls from some citizens who were told that they would be prosecuted by the States' Attorney for fraud due to their signature on the petition; Attorney Odelson said this was false because the petitions had been withdrawn. He noted that Mayor Soldato was accused of bribing residents to sign the petition by offering items of value, which were cookies. He said this was a case that could have been won but the cost was too great for these few residents to bear and it imposed a definite hardship on the citizens.

Alderman Weaver commented that the attorney for the Park District was on record in the newspaper about people being prosecuted by the States' Attorney for fraud, which she thought was unethical because the petitions had been withdrawn. She inquired about the Park District since its boundaries extend outside those of the City; Attorney Murphey responded that the City adopted an Ordinance that stated it would take over all of the responsibilities of the Park District.

Mayor Soldato stated that the Darien Park District was blackmailing the people of Darien into a position; that the City would do what was proper and appropriate. He said that the Park District Board was unresponsive and that was why people signed the petition. Mayor Soldato, as a resident, asked Attorney Odelson what could be done when there was an Executive Session held that violated the "Open Meetings Act"; he said that topics were discussed behind closed doors that were not allowed by the Act. He asked if the legal advisor had a requirement to make sure that the meetings were conducted in a proper manner. Attorney Odelson commented that there was new legislation passed that required tape recording of all Executive Sessions; he noted that if there was a violation, someone needed to report the violation to the States' Attorney and the States' Attorney had an obligation to investigate. He said that there was an option for a City Council or Board of Trustees to place an advisory question on a ballot by resolution in order to obtain the opinion of the people.

Nancy Campagnolo, a Darien resident, thanked the residents who worked to exercise their constitutional right; she thanked Council for setting a standard by adhering to the Open Meetings Act for their attention to detail. She announced the formation of the Park District Task Force, which would be comprised of concerned citizens who would donate their time and energy to insure that the Park District operated with the residents' best interest in mind; they would hold the Park District accountable to the residents. She said that residents should take back their Park District.

City Clerk Coleman stated that today she received communication from Darien residents that were being contacted by an objector; Attorney Odelson stated that the case was over and that they should not be contacted. Mayor Soldato stated that Gloria Anderson had been contacting people; he informed residents that if they were contacted that they should contact the Darien Police Department because this was harassment; the issue was mute.

Don Jiskra, 1100 Bristlecone Court, quoted famous historians; he commented that people have a democratic right to make changes.

Mayor Soldato commented that Warren Anderson had been appointed the Sergeant-At- Arms for the Darien Park District meetings; he noted that Mr. Anderson and his wife attended the Mayor's Coffee at Carmelite Carefree Village and observed him distributing cookies; he said that Mr. & Mrs. Anderson took cookies but did not sign the petition.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:22 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 02-02-04.

Minutes of 02-02-04 CCM

February 2, 2004

