

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 5, 2009 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:35 P.M.

THE INTERGOVERNMENTAL JURISDICTIONAL BOUNDARY LINE AGREEMENT PUBLIC HEARING WAS CALLED TO ORDER AT 7:35 P.M. BY MAYOR WEAVER. THE PUBLIC HEARING ADJOURNED AT 7:38 P.M.

**Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**OCTOBER 5, 2009**

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:38 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:	Halil Avci	Sylvia McIvor
	John Galan	John F. Poteraske, Jr.
	Carolyn A. Gattuso	Ted V. Schauer
	Joseph A. Marchese	

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor  
Joanne F. Coleman, City Clerk  
Michael J. Coren, City Treasurer  
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

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4. **DECLARATION OF A QUORUM** — There being seven aldermen present, Mayor Weaver declared a quorum.
5. **APPROVAL OF MINUTES** — September 8, 2009  
— September 21, 2009

It was moved by Alderman Gattuso and seconded by Alderman Avci to approve the minutes of the September 8, 2009 meeting, as presented.

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

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

It was moved by Alderman Schauer and seconded by Alderman Gattuso to approve the minutes of the September 21, 2009 meeting, as presented.

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

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

6. **RECEIVING OF COMMUNICATIONS**

Alderman Avci...

...received several communications from Greg Vogt of 7302 Seminole Drive concerning the recreational vehicle violation notice he received as the result of an anonymous complaint. Alderman Avci referred Mr. Vogt to Senior Planner Michael Griffith.

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...received an e-mail from Bill Curry of 1025 69<sup>th</sup> Street, with copies sent to the City Council Members, requesting the tax increase items be removed from the Consent Agenda, and be considered individually.

It was noted that Alderman Poteraske was the only Council Member besides Alderman Avci to receive the e-mail.

Alderman Galan received a telephone call from Bill Bucholtz of 7117 Eleanor with an issue regarding storage of his boat. At Alderman Galan's request, Director Gombac met with Mr. Bucholtz to provide information.

Mayor Weaver received a letter from Arlene M. Holik of Myers Senior Housing Development, regarding the proposed PACE route expansion. Although PACE is currently unable to expand their service, the City of Darien will keep on top of this issue.

7. **MAYOR'S REPORT**

- A. Mayor Weaver read into the record a proclamation declaring October 9-10, 2009 as "*Darien Lions Club Candy Days*" in the City of Darien.

Kevin Monaghan accepted the Proclamation on behalf of the Darien Lions Club.

- B. Mayor Weaver read into the record a proclamation declaring October, 2009 as "*Fire Prevention Month*" in the City of Darien.

It was moved by Alderman Gattuso and seconded by Alderman McIvor to approve the following motion:

C. **CONSIDERATION OF A MOTION TO REAPPOINT CITIZEN OF THE YEAR COMMITTEE: KATHY ABBATE, DEBBY HENIFF, KATHY LYONS, AND FRAN MAZZOLINI**

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

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Mayor Weaver announced that Alderman Gattuso will continue to serve as liaison to the Citizen of the Year Committee.

City Clerk Coleman administered the Oath of Office to Kathy Abbate, Debby Heniff, and Fran Mazzolini.

8. **CITY CLERK'S REPORT**

City Clerk Coleman...

...conducted the 2010 Vehicle Sticker Lottery. The following organizations were offered the opportunity to participate: Darien Youth Club, Darien Lions Club, Young at Heart Seniors, Darien Seniors Club, Darien Chamber of Commerce, Darien VFW, Darien Rotary Club, Younger Than Ever Seniors, the Active Seniors Club, and Safety Village of Darien. The eligible Darien community organizations that expressed an interest in participating were the Rotary Club of Darien, Darien Woman's Club, and Darien VFW. Darien VFW won the lottery.

...invited all to attend Coffee with the Mayor on Saturday, October 17, 2009 from 9:00 A.M. to 10:00 A.M. at the Blue Diamond Group located at 2871 83<sup>rd</sup> Street.

...extended gratitude to Robert Mengarelli on his 38 ½ years of service to the City of Darien, and congratulated him on his upcoming retirement.

9. **CITY ADMINISTRATOR'S REPORT**

There was no report.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

At the request of Alderman Gattuso, Director Gombac provided a status update on the Walnut construction project which is 50% completed.

Chief Pavelchik advised that, although there are no regulations governing the hours of trick or treating in Darien, residents are encouraged to go out early. The Lions Club will be hosting a Halloween party on Saturday, October 31, at 6:30 P.M. at the Darien Sportsplex.

11. **TREASURER'S REPORT**

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

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It was moved by Alderman Gattuso and seconded by Alderman Schauer to approve payment of Warrant Number 09-10-10 in the amount of \$43,694.72 from the General Fund; \$6,971.55 from the Water Fund; \$423.16 from the Motor Fuel Tax Fund; \$1,920.00 from the Water Depreciation Fund; \$2,832.05 from the Darien Area Dispatch Fund; \$242,894.26 from the Capital Improvement Fund; \$247,045.67 from the General Fund Payroll for the period ending 09/24/09; \$21,600.08 from the Water Fund Payroll for the period ending 09/24/09; \$27,840.32 from the D.A.D.C. Fund Payroll for the period ending 09/24/09 for a total to be approved of \$595,221.81.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

12. **STANDING COMMITTEE REPORTS**

**Public Works Water/Streets Committee** — Alderman Marchese advised that the next Public Works Water/Streets Committee Meeting is scheduled to take place on Monday, October 19, 2009 at 6:30 P.M. in the upstairs conference room pending agenda items.

**Administrative/Finance Committee** — Alderman Poteraske submitted the minutes of the July 13, 2009 Administrative and Finance Committee Meeting, and advised that the next meeting is scheduled to take place on Monday, October 12, 2009 at 6:30 P.M. in the upstairs conference room.

**Planning/Development Committee** — Alderman McIvor announced that the next Planning/Development Committee meeting has been re-scheduled to take place on Tuesday, October 20, 2009 at 6:30 P.M. in the Council Chambers.

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

Bill Carpenter, a resident of Darien, representing Cornerstone Restaurant located at 8025 Cass Avenue, addressed the City Council requesting that Item F of the Consent Agenda be tabled until more information is provided by the State, and to give business owners an opportunity to meet and discuss the issues with the City Council.

Robert Taft, a resident of Darien, representing Q Billards & Sports Bar on Cass Avenue also requested postponement of action on Item F.

Alderman McIvor expressed a desire to table Item F until more information is provided by the State.

Attorney Murphey recommended the ordinance be removed from the Consent Agenda, and placed under New Business.

Mayor Weaver announced that Item F under the Consent Agenda will be moved to New Business as Item G.

Don Damon of 1017 69<sup>th</sup> Street addressed the City Council with concerns over what he perceived as lack of openness with the proposed tax increases.

14. **OLD BUSINESS**

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

15. **CONSENT AGENDA**

During the Work Session, it was determined that Items G through L on the Consent Agenda be moved to New Business as Items A through F. During this evening's Council Meeting, it was determined that Item F on the Consent Agenda be moved to New Business as Item G.

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

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

**A. ORDINANCE NO. O-26-09                      CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL JURISDICTIONAL BOUNDARY LINE AGREEMENT WITH VILLAGE OF WILLOWBROOK**

**B. ORDINANCE NO. O-27-09                      CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2009-08: 7506 ADAMS STREET)**

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- C. RESOLUTION NO. R-66-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (JAMES PETER COURT SUBDIVISION) PRAIRIE BANK AND TRUST/INTEGRA BANK**
- D. RESOLUTON NO. R-67-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION ACCEPTING A PROPOSAL FROM B. V. SANTIAGO CONSTRUCTION COMPANY INCORPORATED FOR THE REPAIR AND COMPLETION OF THE ROAD SURFACE FOR JAMES PETER COURT IN AN AMOUNT NOT TO EXCEED \$20,933.50**
- E. RESOLUTION NO. R-68-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION ACCEPTING A PROPOSAL FROM BEARY LANDSCAPING INCORPORATED FOR THE LANDSCAPE RESTORATION FOR THE JAMES PETER COURT SUBDIVISION IN AN AMOUNT NOT TO EXCEED \$3,600.00**
- F. RESOLUTION NO. R-71-09**                    **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. IN AN AMOUNT NOT TO EXCEED \$12,750.00 (PAVEMENT CORING 2010 STREET MAINTENANCE)**

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**G. RESOLUTION NO. R-72-09**

**CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO AUTHORIZE THE MAYOR TO ACCEPT A PROPOSAL FOR THE PURCHASE AND PLANTING OF PARKWAY TREES FOR THE 2009 TREE PLANTING PROGRAM BETWEEN THE CITY OF DARIEN AND ST. AUBIN NURSERY IN AN AMOUNT NOT TO EXCEED \$26,302.00**

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

16. **NEW BUSINESS**

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve the following motion:

**A. RESOLUTION NO. R-69-09**

**CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION REJECTING THE BID FROM CHICAGO INTERNATIONAL FOR THE PURCHASE OF ONE NEW 2010 INTERNATIONAL MODEL 7400 SFA 4X2, 9 TON, WITH DUMP BODY, SNOW PLOW, DEICING EQUIPMENT AND TARP SYSTEM (OPTION 3) IN THE AMOUNT OF \$147,480.00**



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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve the following motion:

**B. RESOLUTION NO. R-70-09 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE PURCHASE OF ONE NEW 2010 INTERNATIONAL MODEL 7400 SFA 4X2, 9 TON, WITH DUMP BODY, TARP SYSTEM FROM PRAIRIE/ARCHWAY INTERNATIONAL TRUCK IN THE AMOUNT OF \$144,894.00**

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

Nays: McIvor, Poteraske

Absent: None

Results: Ayes 5, Nays 2, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman McIvor and seconded by Alderman Gattuso to approve the following motion:

**C. ORDINANCE NO. O-29-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING SECTION 3-4-9 OF THE DARIEN CITY CODE (MUNICIPAL ELECTRIC UTILITY TAX)**

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Roll Call: Ayes: Galan, Gattuso, Marchese, McIvor, Schauer

Nays: Avci, Poteraske

Absent: None

Results: Ayes 5, Nays 2, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve the following motion:

**D. ORDINANCE NO. O-30-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING SECTION 3-4-4 OF THE DARIEN CITY CODE (MUNICIPAL GAS UTILITY TAX)**

Roll Call: Ayes: Galan, Gattuso, Marchese, McIvor, Schauer

Nays: Avci, Poteraske

Absent: None

Results: Ayes 5, Nays 2, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve the following motion:

**E. ORDINANCE NO. O-31-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING CHAPTER 7 (SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX) OF TITLE 3 (BUSINESS REGULATION) OF THE DARIEN CITY CODE**

Roll Call: Ayes: Galan, Gattuso, Marchese, McIvor, Schauer

Nays: Avci, Poteraske

Absent: None

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Results: Ayes 5, Nays 2, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Galan and seconded by Alderman McIvor to approve the following motion:

- F. ORDINANCE NO. O-32-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE BY INCREASING THE MUNICIPAL RETAILERS' OCCUPATION TAX AND THE MUNICIPAL SERVICE OCCUPATION TAX, RESPECTIVELY, BY ¼%**

Alderman Avci explained that although the tax increases are needed, he feels it would have been more appropriate to act on them during the budget season, which would provide more time to inform the public.

Mayor Weaver explained the necessity of moving forward with the tax increases at this time. Attorney Murphey confirmed these ordinances must be adopted by the end of October.

Alderman McIvor requested that information on the tax increases be posted on the city's website, and suggested a front desk handout be provided. Alderman McIvor feels comfortable with the increases that were discussed during the Goal Setting and Work Sessions.

Administrator Vana advised that information on this issue will be placed in the next **Neighbors of Darien** issue.

Treasurer Coren advised that the city recently learned that the State is cutting the city's revenues by over \$700,000 in the last seven months of this fiscal year. Many of the city's capital project programs have been performed, and there is no way to make a substantial cut in the current budget. It is important to implement the ordinances now since there is a considerable length of time between adoption of the ordinance and when taxes are actually collected. Sales tax from the ordinance passed this evening will not be collected until next July.

Don Damon reiterated his earlier comments.

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Roll Call: Ayes: Galan, Gattuso, Marchese, McIvor, Schauer

Nays: Avci, Poteraske

Absent: None

Results: Ayes 5, Nays 2, Absent 0

**MOTION DULY CARRIED**

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve the ordinance as presented.

**G. ORDINANCE NO. O-28-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, "LIQUOR CONTROL REGULATIONS," OF THE DARIEN CITY CODE BY ADDING NEW SECTION 3-3-25, "PROHIBITION OF VIDEO GAMING," THERETO**

Discussion: Alderman Schauer expressed a desire to table consideration of the ordinance for approximately six months, in order to acquire more information from the State.

Attorney Murphey advised that the State intends on providing the Rules and Regulations by the beginning year. Municipalities have the ongoing ability to prohibit the gaming devices.

Mayor Weaver pointed out that DuPage County and a number of communities have already banned the gaming devices.

Aldermen Marchese, McIvor, and Schauer would like the ordinance tabled.

**MOTION TO TABLE**

It was moved by Alderman McIvor and seconded by Alderman Marchese to table consideration of a motion until the second meeting in December, 2009:

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

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

In response to Alderman Galan, Mayor Weaver and Clerk Coleman advised that a liquor license will not be pursued for Walgreens until an application is received.

In response to Alderman Galan, Mayor Weaver advised that a Freedom of Information Workshop will be scheduled in order to apprise the City Council and staff of the new laws which go into effect January 1, 2010.

Mayor Weaver announced that she was in attendance for the ribbon cutting ceremony at Froots. Froots has re-opened under new ownership, and is located between the cleaners and Aodake in Darien Town Center development. Mayor Weaver welcomed Froots back into Darien.

Greg Krcmar, 2200 Green Valley Road, addressed the City Council with concerns over the tax increases, and expressed displeasure that the meetings where the increases were discussed were not televised. Mr. Krcmar plans on participating more in the process in the future.

Mayor Weaver explained that the budget is reviewed carefully every year, and the City Council is fiscally cautious. The city provides many services to the residents, and the City Council is diligent in their efforts not to cut or reduce the services which improve the community.

At the request of Mr. Krcmar, Mayor Weaver reviewed the increases.

Alderman McIvor understands and relates to Mr. Krcmar's concerns since she is also a taxpayer. Alderman McIvor pointed out that when the city's budget is reviewed, adjustments are made to address the concerns over a specific period of time. At this time, adjustments need to be made to address the loss of revenue from the State. The city has

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to pay for projects which have been performed and completed. This year there is a gap that needs to be bridged. When revenue and property taxes are back to where they should be, Alderman McIvor would be very happy to consider reducing the taxes.

Alderman Marchese encouraged Mr. Krcmar to attend the City Council budget review meetings which will be conducted in February and March. The City Council spends an inordinate amount of time reviewing the budget line by line, to see what can be cut. When the City Council discussed the possibility of foregoing the \$40,000 that is paid for the free leaf pick-up, e-mails from residents in opposition were received. The city provides many services that the residents have come to expect. Alderman Marchese advised that he has served on the council for 13 years, and has found the current group to be fiscally responsible.

Mr. Krcmar reiterated his desire that the city keep the public better informed.

In response to Kevin Monaghan of 7509 Norman Drive, Mayor Weaver clarified that the loss of \$700,000 is due to the reduction in the State's income.

Administrator Vana explained that the reduction in revenue from the State came through the Illinois Municipal League. During the Goal Setting Session and information distributed this evening, it was determined that \$1.5 million was needed to fund an emergency fund balance and for cash flow. The amounts approved this evening were needed in order for the city to maintain services and a three month operating fund balance in the general fund. Additional cuts may be necessary in order to continue capital projects and to maintain other services.

18. **EXECUTIVE SESSION**

It was moved by Alderman McIvor and seconded by Alderman Galan to go into Executive Session for the purpose of discussing Sale or Lease of Real Estate, Section 2(C)(6) of the Open Meetings Act at 9:00 P.M. No action will take place this evening as a result of these discussions.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

**EXECUTIVE SESSION ADJOURNMENT**

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

**REVERSE ROLL CALL - MOTION DULY CARRIED**

The Executive Session meeting adjourned at 9:35 P.M.

19. **ADJOURNMENT**

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

**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 9:35 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 10-05-09.  
Minutes of 10-05-09 CCM