

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE NOVEMBER 2, 2009 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:28 P.M.

**Minutes of the Regular Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**NOVEMBER 2, 2009**

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:                      Halil Avci                                      John F. Poteraske, Jr.  
   John Galan                                      Ted V. Schauer  
   Carolyn A. Gattuso

Absent:                        Joseph A. Marchese  
   Sylvia McIvor

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

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

5. **APPROVAL OF MINUTES** — October 19, 2009 City Council Meeting

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve the minutes of the October 19, 2009 City Council Meeting, as presented.

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

                  Nays:       None

                  Absent:      Marchese, McIvor

Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

6. **RECEIVING OF COMMUNICATIONS**

Alderman Avci...

...received an e-mail from David Kesler of 7321 Richmond suggesting the city establish Halloween Trick or Treating Hours, expressing support of the city's efforts to improve PACE bus service in Darien, and advising of incorrect holiday information posted on the city's website.

Mayor Weaver...

...received a copy of a letter to Alderman Avci from Robert Erck of 1536 Darien Lake Drive in support of Alderman Avci's objection to the characterization of the utility tax increases at the last City Council Meeting.

...received a letter from Arlene Holik of 2625 83<sup>rd</sup> Street expressing disappointment with the service cuts PACE is proposing, and thanking Alderman Avci for his attendance at the RTA/PACE meetings.

...received a letter from Mike and Lucy Tatak of 7820 Adams Street commending Dan Gombac, Dan Salvato, and staff for the highly skilled and professional resolution of the drainage issues on the 7800 block of Adams.

...received a letter of introduction from Comcast Director of Government Affairs, Daniel Maloney, and a letter from him advising of changes to the channel line-up in Darien.

...received a letter of introduction from Comcast Manager, Government Affairs, Anthony Signorella.

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...received a copy of PACE's proposed 2010 Budget which is available for public review.

Clerk Coleman received a letter from Paul A. Schuster of Hinsdale South Athletic Club requesting approval to hold the 1<sup>st</sup> Annual Hornet Run on Sunday, April 18, 2010. The route will be the same as the Darien Dash. The matter was referred to the Administrative Finance Committee.

7. **MAYOR'S REPORT**

**A. Attorney Update – FOIA/Open Meetings Act Amendments**

Attorney Murphey provided a brief presentation to the City Council summarizing the new requirements under the Freedom of Information and Open Meetings Acts which go into effect on January 1, 2010. Attorney Murphey responded to questions by the City Council Members.

8. **CITY CLERK'S REPORT**

There was no report.

9. **CITY ADMINISTRATOR'S REPORT**

There was no report.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

In response to Alderman Gattuso, Director Gombac announced that the Walnut project has been completed. A few punch list items remain.

In response to Alderman Poteraske, Director Gombac advised that the water service detection survey report is performed annually, and is in process. Last year's result was 2%. Alderman Poteraske commended Director Gombac on the low amount of lost revenue.

Administrator Vana added that the number may be higher than in the past since the city has taken over DuPage County's system. The impact will not be known until the report is completed.

Director Gombac advised that upon completion of the water service detection survey, the report will be presented to the Public Works Water/Streets Committee.

In response to Alderman Galan, Assistant Administrator Coren provided an update on ComEd's project along Chestnut. Assistant Administrator Coren will obtain a tentative completion date for the next City Council Meeting.

11. **TREASURER'S REPORT**

**A. WARRANT NUMBER 09-10-12**

It was moved by Alderman Gattuso and seconded by Alderman Schauer to approve payment of Warrant Number 09-10-12 in the amount of \$102,975.46 from the General Fund; \$10,236.94 from the Water Fund; \$16,408.95 from the Motor Fuel Tax Fund; \$635.84 from the Darien Area Dispatch Fund; \$34,033.07 from the Capital Improvement Fund; \$4,023.27 from the Debt Service Fund; \$221,923.17 from the General Fund Payroll for the period ending 10/22/09; \$44,264.59 from the Water Fund Payroll for the period ending 10/22/09; \$24,949.18 from the D.A.D.C. Fund Payroll for the period ending 10/22/09 for a total to be approved of \$459,450.47.

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

Nays: None

Absent: Marchese, McIvor

Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

12. **STANDING COMMITTEE REPORTS**

There were none.

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

Dante Ruffolo, representing Farmingdale Terrace #3 Condominium Association, commended Mayor Weaver, Alderman Gattuso, the City Council, Daniel Gombac, Daniel Salvato, and the construction engineer, among others, for their efforts in keeping the Association Board Director updated during the Walnut Street construction, and the timely completion of the project.

Sam Kelly expressed his objections to the proposed overhead lines along 75<sup>th</sup> Street. Mr. Kelly spoke in favor of burying the lines.

William Repole of 8112 Dickens Circle voiced his objections to spending the money to bury the lines.

14. **OLD BUSINESS**

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

15. **CONSENT AGENDA**

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

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

- |                                  |  |
|----------------------------------|--|
| <b>A. RESOLUTION NO. R-75-09</b> | <b>CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A PROPOSAL FROM WATER SERVICES COMPANY, IN AN AMOUNT NOT TO EXCEED \$9,418.50 (WATER SYSTEM-LEAK DETECTION SURVEY)</b>          |
| <b>B. RESOLUTION NO. R-76-09</b> | <b>CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND CENTER CASS SCHOOL DISTRICT #66 FOR ROCK SALT</b> |
| <b>C. ORDINANCE NO. O-28-09</b>  | <b>CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A SPECIAL USE IN THE O OFFICE ZONING DISTRICT FOR THE OPERATIONAL MEDICAL CLINIC (PZC 2009-10: 8110 CASS AVENUE)</b>                                  |

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**D. ORDINANCE NO. O-33-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING EXISTING VARIATIONS TO THE DARIEN ZONING ORDINANCE (PZC 2009-09: 6700 ROUTE 83)**

**E. ORDINANCE NO. O-34-09 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING THE CITY OF DARIEN 2009-2010 BUDGET**

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

Nays: None

Absent: Marchese, McIvor

Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

16. **NEW BUSINESS**

It was moved by Alderman Gattuso and seconded by Alderman Schauer to approve the following resolution as presented.

**A. RESOLUTION NO. R-77-09 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH COMMONWEALTH EDISON OR TO EXPEND FUNDS TO BURY UTILITY LINES THAT WOULD OTHERWISE BE ADDED AS OVERHEAD POLES ON 75<sup>TH</sup> STREET, SUBJECT TO ATTORNEY REVIEW**

**Discussion:** Administrator Vana advised that money is available for this project in the Business District Capital Improvements Fund.

Assistant Administrator Coren advised that the cost to the city for burying the lines at this time will be \$40,000. It would be cost

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prohibitive to bury the lines in the future after the overhead lines have been installed.

Alderman Avci commented that there are currently overhead lines on the south side of 75<sup>th</sup> Street. Adding more overhead lines would impact the area visually. Alderman Avci feels the city is moving in the right direction by burying the lines now.

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

                  Nays:       None

                  Absent:     Marchese, McIvor

  Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

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

Alderman Gattuso thanked the Darien Lions Club for the spectacular Halloween Party.

In response to Alderman Galan's inquiry, Director Gombac advised that the next street sweeping is scheduled to take place on November 11, 2009.

In response to Sam Kelly, Director Gombac advised that he is unaware of when ComEd will begin their project, but will notify Mr. Kelly of the preliminary construction meeting date.

**EXECUTIVE SESSION**

It was moved by Alderman Galan and seconded by Alderman Gattuso to go into Executive Session for the purpose of discussing Litigation 2(C)(11) of the Open Meetings Act at 8:25 P.M. No action will take place as a result of these discussions.

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

Nays: None

Absent: Marchese, McIvor

Results: Ayes 5, Nays 0, Absent 2

**MOTION DULY CARRIED**

**EXECUTIVE SESSION ADJOURNMENT**

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

**REVERSE ROLL CALL - MOTION DULY CARRIED**

The Executive Session meeting adjourned at 8:35 P.M.

18. **ADJOURNMENT**

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

**VIA VOICE VOTE – MOTION DULY CARRIED**

The City Council meeting adjourned at 8:35 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 11-02-09.  
Minutes of 11-02-09 CCM