

**MINUTES  
CITY OF DARIEN  
MUNICIPAL SERVICES COMMITTEE  
April 23, 2012**

**PRESENT:** Joseph Marchese – Chairperson, Alderman Halil Avci, Alderman Ted Schauer, Dan Gombac - Director, Michael Griffith – Senior Planner, Elizabeth Lahey-Secretary

**ABSENT:** None.

**ESTABLISH QUORUM**

Chairperson Marchese called the meeting to order at 6:30 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present,

**NEW BUSINESS**

- A. 1417 Sequoia Lane – Petitioner seeks approval of a variation to reduce the required setback for a driveway from 5 feet to 0 feet, related to the construction of a detached garage in the rear yard.**

Mr. Michael Griffith, Senior Planner, reported that the request is related to a detached garage. He stated that the PZC held a public hearing and recommended approval. Mr. Griffith reported that the Committee received correspondence from a neighbor who did not object.

Mr. Dan Gombac, Director reported that the City is working with the petitioner and several neighbors on a rear yard drainage project which has been going on for several years and which fits within the budget. He reported that staff believes that the driveway will not cause drainage issues.

Alderman Schauer questioned if there were any complaints from the neighbors.

Mr. Griffith reported that he received calls as a result of the sign posting but that there were no complaints.

There was no one in the audience wishing to present public comment.

**Alderman Schauer made a motion, and it was seconded by Alderman Avci that based upon the submitted petition and the information presented, the request associated with PZC 2012-04 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend approval of the petition as presented.**

**Upon voice vote, THE MOTION CARRIED unanimously 3-0.**

Chairperson Marchese announced that the petition would be forwarded to the City Council on Monday, May 7, 2012.

**B. 8245 Lemont Road, Chicago Tower Leasing – Petitioner seeks a special use in order to expand an existing private utility facility within the ORI&I zoning district, and a variation in order to construct a 200-foot tower where 60 feet is the maximum permitted.**

Mr. Dan Gombac, Director, distributed copies of several emails outlining concerns from Alderman McIvor, the Woodmere Condominium Association, Ms. Sharon Cattaneo and Mr. Stan Woddacki. A signed petition against the proposal was also presented and submitted to the Committee.

Mr. Michael Griffith, Senior Planner, presented the staff report. He reported that the petitioner is requesting a special use and variation from the Zoning Ordinance. He stated that the proposed use is consistent with the Zoning Ordinance and that the variation is for the tower height.

Mr. Griffith reported that the PZC held a public hearing and recommended approval with a vote of 8-1. He reported that the agenda memo included letters of support from local airport facility supporting additional communication facilities as well as a letter from the petitioner related to the structural integrity along with aerial photos indicating that the tower was in place in 1978. He further reported that correspondence from Attorney John Murphey was also included in the agenda memo detailing the Federal Code and the City's position.

Mr. Dan Gombac, Director, reported that the City cannot deny the tower based on diminishing property value. He reported that Alderman McIvor provided photos and asked that they be forwarded to the Committee.

Alderman Avci questioned if staff was sure that this was not a "Field of Dreams" and asked if the petitioner has evidence and support and customers in place. He also questioned the structure of the existing tower and how often inspections are conducted.

Mr. Gombac reported that staff has had the same concerns and that the petitioner informed staff that there is a demand for the tower but that the City cannot dictate if there is a need. He stated that with regard to the structural integrity that the tower is inspected and a structural analysis report was completed. Mr. Gombac reported that he has the analysis dated January 13, 2012 on record. He reported that there is specific maintenance protocol in which the owner must follow.

The petitioner, Mr. Stanley Stann, stated that he has several companies lined up for the proposed tower. He explained that the tower is necessary because the microwave will be used for communication technology that Fiber Optics cannot. Mr. Stann explained the problems with Fiber Optics. He also described the protocol which he must follow with regards to the tower and if it is structurally sound. Mr. Stann explained that the tower is shipped with a galvanized coating and that the painting has to be red and white. He stated that the tower structure is a sizeable investment.

Alderman Avci questioned how often a tower is inspected.

Mr. Stann reported that towers over ten years old are inspected annually and that towers less than ten years old are inspected every three years.

Alderman Schauer questioned the average lifetime of a tower.

Mr. Stann reported that towers built in 1930's didn't last very long but that in 1952/1953 that the government mandated using 833 steel. He stated that the present tower is approximately 47 or 48 years old.

Alderman Avci questioned if the equipment from the present tower will be moved to the proposed tower.

Mr. Stann stated that they would not move anything from the old tower onto the proposed tower. He stated that adding on would require additional support to the tower.

Alderman Avci questioned if the City has access to the inspection reports.

Mr. Gombac questioned the petitioner would provide the structural analysis to the City annually.

Mr. Stann stated that he did not have a problem forwarding the analysis to the City.

Alderman Schauer questioned if the tower height is 180 feet or 200 feet.

Mr. Gombac reported that the tower is 180 feet measured by the FAA and that the antenna exceeds the structure by 20 feet.

Alderman Avci questioned if the City has required the petitioner to landscape the area so that residents cannot see the bottom portion. He also asked if staff has looked into turning the tower/proposal into something positive such as a tornado siren to increase safety in Darien.

Mr. Gombac stated that an 8 foot fence exists north of the current tower. He stated that he conduct a review for the need of the siren.

Mr. Stann stated that he would consider a siren but that it will depend on the weight and size.

Alderman Avci questioned if there is a regress plan in place should the petitioner remove the tower.

Mr. Stann stated that he has an agreement with the municipality and that he would sign a legal document to remove the tower if it is unsafe or dangerous.

Alderman Avci questioned if the City can ask for a Letter of Credit or a creation of a fund if the area needs to be cleaned up.

Mr. Mike McCrery, Attorney for the petitioner stated that they have no problem with a bond agreement dismantling of tower should it become obsolete.

Alderman Avci stated that he would like this to be a condition of the motion.

Mr. Stann stated that once the lease is terminated that he has to pay to remove the tower. He stated that it is not a federal law but something that is done by the owner.

Mr. Gombac stated that the condition of the motion could be that the petitioner remove and dismantle the tower/s at the time the tower becomes obsolete with a bond on file.

Ms. Jackelyn Hilebrand, Attorney representing Woodmere Condominium Association and Ms. Jill Petranek stated that an opinion letter was submitted to the Committee. She highlighted that there are three issues which have not been addressed. Ms. Hilebrand questioned the financial interest, the allowable height and the impact to the property value, and the character of the neighborhood with a third tower.

Ms. Hilebrand referenced the correspondence from Attorney Murphey regarding real evidence and that the burden of proof lies with the petitioner and requested that the Committee table the proposal until the petitioner provides evidence.

Chairperson Marchese stated that the petitioner is building the tower for idealism and not for financial gain. He stated that the adjacent property owners need to provide substantial evidence regarding diminishing property values. Chairperson Marchese stated that unless an appraiser goes into a community where the property value has decreased there is no evidence. He further stated that the tower was there before the subdivision was developed.

Chairperson Marchese stated that it is the responsibility of the Aldermen to protect the liability of the City. He stated that although he would not like the tower in his back yard that there is nothing from the Condominium Association or the attorney regarding negative impact and aesthetics is not evidence.

Ms. Hilebrand stated that the position of the community is unique because the third tower makes the property more commercial and drastically alters the community and that the burden that it will affect lies on the petitioner.

Ms. Jill Petranek, 2700 Woodmere stated that the petitioner did not answer Alderman Avci's question regarding usability for the proposed tower and what the immediate need there is for a third tower. She stated that the burden of proof from the petitioner has not been stated.

Ms. Petranek stated that she was concerned about the fall zone radius and questioned insurance and who is responsible should the tower fall on a resident. She questioned if the City has considered a loss if there is a catastrophic occurrence.

Ms. Petranek asked if other locations in Darien were considered. She stated that security is an issue and that there is a similar tower site at 87<sup>th</sup> and Lemont Road. She further stated that she would like the City and petitioner to take a look at alternate towers such as a tree cellphone tower so it is more aesthetically pleasing.

Ms. Petranek questioned why the tower cannot be considered for the water at Brookhaven.

Mr. McCrery explained the fall zone and stated that the towers are now engineered to fall in within the footprint of the tower. He stated that the petitioner holds liability insurance with regard to the tower. He further reported that a 200 foot tree seen stealth tower would draw a lot of attention. He stated that the location is necessary in order to set relay to other locations. Mr. McCrery stated that the customer is interested because this is where service is needed. The petitioner stated that a stealth or tree tower would not work for their equipment.

Mr. Gombac questioned if additional Certificate of Insurance is common.

Mr. McCrery stated that additional insurance is not a practice. He stated that they would provide the association with a copy of the insurance.

Mr. Stann referenced a site in Hawthorne Woods with several towers on the property, built before the surrounding area was built up with homes. He stated the towers did not appear to reduce the property value.

Ms. Petranek stated that what Mr. McCrery finds aesthetically pleasing is not shared by the community and that the need and concern is not diminished.

Mr. Gombac stated that staff is not familiar with the stealth tree. He stated that staff looked at both Brookhaven and Plainfield Road and Lemont and they were not an option due to the existing equipment and equipment orientation.

Mr. Gombac asked if the community was interested in seeing landscaping around the tower.

Ms. Petranek stated that anything more aesthetically pleasing would be beneficial.

Mr. Gombac stated that he would like a week or two to get feedback from the residents. He suggested placing trees in the back yards of the affected areas.

Alderman Avci questioned the fenced in area and if it is locked.

Mr. Gombac reported that the area is fenced and locked.

Ms. Petranek stated that the fence is chain-link and is singular and not connected and although vehicles cannot enter the site but foot traffic can.

Chairperson Marchese stated that the City wants Mr. Stann to be a good neighbor and to keep the area clean and accommodate the needs of the Woodmere residents. He stated that although the Committee has the interest of the residents that they also have a responsibility to the City.

Ms. Petranek noted a case in Park Ridge that was denied and the decision because of the FCC rule. She questioned the tree tower and/or a self-support tower.

Mr. Stann reported that microwaves come in pairs and that the tree works on a monopole such as the tower located at the Park District. He stated that physics is involved.

Chairperson Marchese questioned if the petitioner finds anything objectionable so that both parties can come to a mutual understanding.

Mr. Stann stated that he is impressed with the due diligence of the residents and staff. He stated that the area is surrounded by a chain-link fence with barbed wire. He asked about water flow if he is required to pave the road.

Mr. Gombac stated that staff has reviewed the site and the pavement would not have a negative impact.

Mr. Stan Woddacki, 8195 S. Lemont Road stated that there is a pond adjacent to the property and that storm water will have the ability to flow on the surface if the road is paved.

Mr. Gombac questioned if the petitioner would agree to a possible tornado siren on the tower at no cost to the City.

Mr. Stann stated that he would agree to a tornado siren.

Mr. Gombac questioned if the petitioner would agree to landscaping incorporated into the building permit process.

Mr. Stann stated that he would agree to landscaping.

Mr. Gombac questioned if the petitioner would agree to improving the area with asphalt. He stated that the area around the tower can remain gravel.

Mr. Stann stated that he would agree to paving the area described.

Mr. Gombac questioned if the petitioner would provide inspection reports on a yearly basis as well as a Certificate of Insurance.

Mr. Stann stated that he would agree to the reports and insurance.

There was no one else wishing to present public comment.

**Alderman Avci made a motion, and it was seconded by Alderman Schauer that based upon the submitted petition and the information presented, the request associated with PZC 2012-03 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee approve the petition as presented with the following conditions:**

- 1. A fence is to be installed around the parcel. At the entrance to the site, a decorative fence is to be installed, with a chain-link fence for the remainder of the site.**
- 2. Outdoor storage materials, rubbish, construction related equipment and debris, is not permitted. These items are to be removed.**
- 3. The inoperable vehicle (no plate, flat tire) is to be removed from the property.**
- 4. Remove gravel/stone/dirt pile.**

5. **The gravel surface areas are to be paved, including the driveway to the tower site and the tower service area.**
6. **Proposed tower not to exceed the height of the existing tower (180 feet as stated by the petitioner.)**
7. **Landscaping incorporated during the building permit process.**
8. **Provide annual inspection reports and Certificate of Insurance.**
9. **Petitioner to remove and dismantle the tower/s at the time the tower becomes obsolete with a bond agreement on file.**

**Upon voice vote, THE MOTION CARRIED unanimously 3-0.**

- C. **Resolution – Accept a proposal for the purchase of rock salt from North American Salt Company in an amount not to exceed \$195,681.50.**

Mr. Dan Gombac – Director reported that the City only utilized 900 tons of salt and approximately 2000 tons within the salt storage building is available. Mr. Gombac highlighted the options and reported that the City does not have to purchase Option No. 2 if it is not needed. He stated that staff recommends the purchase of rock salt from North American Salt Company.

There was no one in the audience wishing to present public comment.

**Alderman Schauer made a motion, and it was seconded by Alderman Avci to accept A RESOLUTION FOR THE PURCHASE OF ROCK SALT FROM NORTH AMERICAN SALT COMPANY IN AN AMOUNT NOT TO EXCEED \$195,681.50.**

**Upon voice vote, THE MOTION CARRIED unanimously 3-0.**

- D. **Resolution – Authorize the purchase of two (2) new fuel dispensers, Option – A, Option – B and installation from Crowne Industries in an amount not to exceed \$15,700.00.**

Mr. Dan Gombac, Director reported that this resolution authorizes the removal of two fuel dispensers with two new fuel dispensers due to rust and parts for the existing system are no longer manufactured and difficult to maintain. He reported that Option A and Option B were also included for purchase.

Chairperson Marchese stated that he would like to see monthly usage reports.

Director Gombac informed the Committee that Staff does inventory gasoline and reports are generated internally.

There was no one in the audience wishing to present public comment.

**Alderman Avci made a motion, and it was seconded by Alderman Schauer to accept A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) NEW FUEL DISPENSERS, OPTION-A, OPTION-B AND INSTALLATION FROM CROWNE INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$15,700.00.**

Upon voice vote, **THE MOTION CARRIED unanimously 3-0.**

- E. Resolution – To enter into an engineering agreement with Christopher B. Burke Engineering for the City Entrance Monument Signs in an amount not exceed \$18,000.00 for the DuPage County permitting.**

Mr. Dan Gombac, Director reported that the budget allows the City to remove the welcome signs and replace them with upgraded monument signs. He reported that the County is requiring that the City submit engineering plans for each proposed sign location noted in the agenda memo.

Alderman Avci suggested that the City could initiate a contest through the local schools for a design.

Mr. Gombac stated that the contest would be difficult due to timing and the engineering specs will require details for permitting. Mr. Gombac informed the Committee he would be open to implement opportunities as they present themselves.

There was no one in the audience wishing to present public comment.

**Alderman Schauer made a motion, and it was seconded by Alderman Avci to accept A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR ENGINEERING SERVICES FOR MONUMENT ENTRANCE SIGNS IN AN AMOUNT NOT TO EXCEED \$18,000.00.**

Upon voice vote, **THE MOTION CARRIED unanimously 3-0.**

- F. Illinois Department of Transportation authorizing the expenditure of Motor Fuel Tax Funds.**

Mr. Dan Gombac, Director reported that the City utilizes Motor Fuel Tax Funds for expenditures related to various street maintenance functions. He reported that the City is required to adopt a resolution authorizing the expenditure of the proposed funding related to the general maintenance items for materials and labor as noted in the staff agenda memo.

There was no one in the audience wishing to present public comment.

**Alderman Schauer made a motion, and it was seconded by Alderman Avci to authorize a resolution for the expenditure of the proposed funding related to the general maintenance items.**

Upon voice vote, **THE MOTION CARRIED unanimously 3-0.**

- G. Discussion – Emerald Ash Borer Update**

Mr. Dan Gombac – Director, reported that the City has inventoried and identified 2614 Ash trees of 8956 total parkway trees. He reported that staff initiated a survey with various municipalities and that there is no clear consensus of action plans. Mr. Gombac stated that since the City has

identified parkway trees that show presence of Emerald Ash Borer that staff will remove an infected tree and will also apply a soil drenching pesticide application within a specified quadrant. Mr. Gombac also stressed that the application is a pro-active methodology with no guaranteed mortality results.

**H. Minutes – March 26, 2012 Municipal Services Committee**

**Alderman Schauer made a motion and it was seconded by Alderman Avci to approve the March 26, 2012 Meeting Minutes.**

**Upon voice vote, THE MOTION CARRIED unanimously 3-0.**

**DIRECTOR'S REPORT**

Mr. Dan Gombac – Director, reported that staff is working on scheduling an open house to allow residents to meet with an architect. He further reported that staff is also working on a grant for landscaping enhancements for 75<sup>th</sup> Street and on a schedule of smaller in house budget approved drainage projects.

**NEXT MEETING**

Chairperson Marchese announced that the next meeting is scheduled for Tuesday, May 29, 2012 at 6:30 p.m.

**ADJOURNMENT**

**With no further business before the Committee, Alderman Schauer made a motion and it was seconded by Alderman Avci to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:40 p.m.**

**RESPECTFULLY SUBMITTED:**

---

**Elizabeth Lahey**  
Secretary

---

**Joseph Marchese**  
Chairman

---

**Halil Avci**  
Alderman

---

**Ted Schauer**  
Alderman