

Minutes - March 15, 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 MARCH 15, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:15 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

MARCH 15, 2004

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 City Clerk Coleman was as follows:

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

Absent: Richard Biehl Joseph Marchese

Also in Attendance: Carmen D. Soldato, Mayor Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer John Donahue, City Attorney Bryon D. Vana, City Administrator John Cooper, Deputy 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 five Aldermen present, Mayor Soldato declared a quorum.

5. APPROVAL OF MINUTES — March 1, 2004

It was moved by Alderman Tikalsky and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of March 1, 2004, as presented.

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

Nays: None

Absent: Biehl, Marchese

Results: Ayes 5, Nays 0, Absent 2 MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Hagen received emails: * William Ropole who questioned the need for an increase in sales tax; and * Marge Lipine, 1305 Iroquois Lane, who was concerned about a deck variation on Chapman Court that was scheduled for review by the Planning and Zoning Commission on March 17, 2004.

Alderman Poteraske spoke about calls from solicitors who indicated that they represent the Darien Police.

Alderman Tikalsky submitted, for the record, a letter from Donald Mullen, President of the Woodland Court Condominium Association. The letter referenced a residence at the northwest corner of North Frontage Road and Woodland Drive; the Association was concerned with the site's appearance and the number of vehicles parked there.

Alderman Cotten received an email from Kathy Paskban, 2333 Green Valley Drive, regarding the proposed 'City Center'; she was concerned about the cost of the project.

7. MAYOR'S REPORT

No report.

8. CITY CLERK'S REPORT

Clerk Coleman...

... urged everyone to vote in the Primary Election on Tuesday, March 16th; she noted that the polls would open at 6:00 A.M. ... invited everyone to attend Coffee with Mayor Soldato on Saturday, March 20th, from 9:00 until 10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road.

... announced that the following meetings had been cancelled: * Administrative/Finance Committee-of-the-Whole, which was scheduled for March 16th; * Environmental Committee, which was scheduled for March 16th; and * Cable Communications Commission, which was scheduled for March 18th.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... commented that the City Council meeting was not broadcasted on March 1st; he indicated that additional volunteers were needed.

... stated that residents may have been confused/misinformed when they read about the Town Center development in the local newspaper. He said that the \$33 million mentioned was the developer's proposed budget.

... noted that numerous residents inquired about phone solicitation they received from solicitors who stated that they represented the Darien Police. He indicated that the union who represents the Darien Police was called Metropolitan Alliance of Police (M.A.P.); he emphasized that the phone solicitation was not from Darien Police officers but from paid solicitors.

10. DEPARTMENT HEAD REPORT

Asst. Director of Public Works Robert Rodgers...

... stated that quotes were being received in regard to the 'leak survey' that would begin in approximately 1-1/2 months.

... commented that in 2001 there were 28 watermain breaks; in 2002 there were there were 52 watermain breaks; and in 2003 there were 36 watermain breaks.

... noted that restoration would begin when the weather permitted; he asked residents to call if they were missed.

Mayor Soldato thanked the Department for cleaning up debris from all State, County, and City rights-of-way.

11. TREASURER'S REPORT

A. WARRANT NUMBER 03-04-20

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve payment of Warrant Number 03-04-20 in the amount of \$46,951.47 from the General Fund; \$101,079.97 from the Water Fund; \$13,587.62 from the Motor Fuel Tax Fund; \$550.00 from the Hotel/Motel Tax Fund; \$2,376.55 from the Special Service Area Tax Fund; \$554.91 from the Darien Area Dispatch Fund; \$181,419.78 from the General Fund Payroll for the period ending 03/04/04; \$20,177.67 from the Water Fund Payroll for the period ending 03/04/04; \$23,736.41 from the D.A.D.C. Fund Payroll for the period ending 03/04/04; for a total to be approved of \$390,434.38.

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

Nays: Hagen

Absent: Biehl, Marchese

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

B. TREASURER'S MONTHLY REPORT – FEBRUARY 2004

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of February 2004 with the following year-to-date fund balances: General Fund \$918,140; Water Fund \$294,648; Motor Fuel Tax Fund \$689,176; Darien Towne Centre Sales Tax Fund \$116,608; and Hotel/Motel Tax Fund \$73,302.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No report.

Planning/Development Committee — Chairman Hagen announced that the Committee would meet on March 22nd at 6:30 P.M.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Warren Anderson, 533 Chestnut Lane, questioned the sales tax proposal; he inquired as to what would be taxed, i.e., groceries, services, etc. Administrator Vana responded that taxable items were defined by law; he noted that groceries and pharmaceuticals were exempt.

14. OLD BUSINESS

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

15. CONSENT AGENDA

Mayor Soldato stated that Consent Agenda items D, E, and F were moved to New Business as items C, D, and E, respectively.

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

A. RESOLUTION NO. R-07-04 A RESOLUTION APPROVING AND PUBLISHING THE UPDATED CITY OF DARIEN OFFICIAL 2004 ZONING MAP

B. RESOLUTION NO. R-08-04 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2004 STREET REHABILITATION)

C. CONSIDERATION OF A MOTION TO GRANT WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR CASS 63 FOUNDATION FOR EDUCATIONAL EXCELLENCE

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

Nays: None

Absent: Biehl, Marchese

Results: Ayes 5, Nays 0, Absent 2 MOTION DULY CARRIED

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE REVOKING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE IN THEIR ENTIRETY

It was moved by Alderman Tikalsky and seconded by Alderman Weaver to approve AN ORDINANCE REVOKING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE IN THEIR ENTIRETY as presented.

Roll Call: Ayes: Poteraske, Tikalsky, Weaver

Nays: Cotten, Hagen

Absent: Biehl, Marchese

Results: Ayes 3, Nays 2, Absent 2 MOTION FAILED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE CREATING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE WHICH AUTHORIZE THE IMPOSITION AND COLLECTION OF A $\frac{3}{4}$ OF 1% HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A $\frac{3}{4}$ OF 1% HOME RULE MUNICIPAL SERVICE OCCUPATION TAX, RESPECTIVELY, EFFECTIVE JULY 1, 2004

It was moved by Alderman Weaver and seconded by Alderman Tikalsky to approve AN ORDINANCE CREATING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE WHICH AUTHORIZE THE

IMPOSITION AND COLLECTION OF A ¾ OF 1% HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A ¾ OF 1% HOME RULE MUNICIPAL SERVICE OCCUPATION TAX, RESPECTIVELY, EFFECTIVE JULY 1, 2004 as presented.

Mayor Soldato asked Administrator Vana to comment on the proposed Ordinance. Administrator Vana stated that questions received from residents included 'why' and 'what happened'. He said that the approved budgets since 1999 have been deficit budgets. He said that the City utilized the Fund Balance and that this past year the City sold surplus property for \$1.5 million to balance those budgets. He noted that in 1990 the City eliminated the Vehicle Sticker Tax; in 1998 the City abated approximately \$450,000 in real estate taxes; and in 2001 Council waived residential permit fees. Administrator Vana spoke about revenues and City sponsored programs, i.e. free brush pick up, the taxi subsidy; he said that the formula for State Income Tax changed and that municipalities received less revenue but City expenses continue to rise. The Council considered raising other revenues, which included real estate and utility taxes but felt these would be detrimental to Darien residents.

Mayor Soldato noted that Council never approved a deficit budget; he said that the City utilized the fund balance. He noted that the City wanted to retain a fund balance, a cash amount in the bank to use for extraordinary bills.

Roll Call: Ayes: Poteraske, Tikalsky, Weaver

Nays: Cotten, Hagen

Absent: Biehl, Marchese

Results: Ayes 3, Nays 2, Absent 2 MOTION FAILED

Alderman Weaver asked Alderman Cotten about his negative vote. He responded that he did not generally support tax increases but during the budget discussions felt he could support a half percent sales tax increase.

Mayor Soldato spoke about City sponsored programs; he said that if those programs were cut, the City would still have a significant short fall. The Mayor asked Aldermen Cotten and Hagen what they would like done in order to move forward.

Alderman Hagen responded that he would support a half percent sales tax increase and that perhaps some items in the maintenance budget could be eliminated. Alderman Weaver stated that Council squeezed the budget tightly. Mayor Soldato asked Alderman Hagen specifically what \$500,000 worth of items could be eliminated. Alderman Hagen said the Council would have to review the budget again. Alderman Weaver stated that the two Aldermen absent actually supported a 1% sales tax increase and Alderman Hagen supported an increase in the utility tax that the other members felt would adversely affect Darien residents; she said that timing was crucial. The Mayor stated that the City needed \$1.3 million to meet operational needs.

Attorney Donahue commented that a Special Meeting could be called with forty-eight (48) hours notice; that the Illinois Department of Revenue needed to be notified prior to April 1st for the tax increase to be effective on July 1st.

MOTION TO RECONSIDER

Alderman Weaver motioned and Alderman Tikalsky seconded to reconsider the motion to approve AN ORDINANCE CREATING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE WHICH AUTHORIZE THE IMPOSITION AND COLLECTION OF A ¾ OF 1% HOME RULE MUNICIPAL

RETAILERS' OCCUPATION TAX AND A ¾ OF 1% HOME RULE MUNICIPAL SERVICE OCCUPATION TAX, RESPECTIVELY, EFFECTIVE JULY 1, 2004.

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

Nays: Hagen

Absent: Biehl, Marchese

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

RECONSIDERATION OF MOTION

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

ORDINANCE NO. 0-11-04 AN ORDINANCE CREATING SECTIONS 3-4-1 AND 3-4-2 OF THE DARIEN CITY CODE WHICH AUTHORIZE THE IMPOSITION AND COLLECTION OF A ¾ OF 1% HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A ¾ OF 1% HOME RULE MUNICIPAL SERVICE OCCUPATION TAX, RESPECTIVELY, EFFECTIVE JULY 1, 2004

Mayor Soldato stated that it was irresponsible for Alderman Hagen to suggest additional cuts, especially since he could not articulate what those cuts should be.

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

Nays: Hagen

Absent: Biehl, Marchese

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

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF DARIEN (DARIEN WOODRIDGE FIRE PROTECTION DISTRICT, ET AL/75th & LYMAN)

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

ORDINANCE NO. 0-07-04 AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF DARIEN (DARIEN WOODRIDGE FIRE PROTECTION DISTRICT, ET AL/75th & LYMAN) as presented.

Alderman Hagen asked for the item to be removed from the Agenda. He said that he supported the project but felt it was inappropriate to rezone property without a plan.

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

Nays: Hagen

Absent: Biehl, Marchese

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

D. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION, GRANTING ZONING WITH RESPECT TO THE NEWLY SUBDIVIDED PROPERTY, APPROVING A FINAL PUD PLAN FOR A PORTION THEREOF, AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS (MARKET PLACE AT DARIEN SUBDIVISION)

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

ORDINANCE NO. O-05-04 AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION, GRANTING ZONING WITH RESPECT TO THE NEWLY SUBDIVIDED PROPERTY, APPROVING A FINAL PUD PLAN FOR A PORTION THEREOF, AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS (MARKET PLACE AT DARIEN SUBDIVISION) as presented.

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

Nays: Hagen

Absent: Biehl, Marchese

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

E. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE ABATING CERTAIN TAXES LEVIED PURSUANT TO ORDINANCE NO. O-01-96 (WATERWORKS BONDS)

It was moved by Alderman Cotten and seconded by Alderman Weaver to approve

ORDINANCE NO. O-09-04 AN ORDINANCE ABATING CERTAIN TAXES LEVIED PURSUANT TO ORDINANCE NO. O-01-96 (WATERWORKS BONDS) as presented.

Alderman Cotten explained the difference between imposing a sales tax and abating the water tax; he said that Council recognized the opportunity to relieve residents of a tax because the water fund, an enterprise fund separate from the general fund, makes money and pays the bond.

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

Nays: None

Absent: Biehl, Marchese

Results: Ayes 5, Nays 0, Absent 2 MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Weaver asked Director Dreyer to have public hearing signs removed from properties where the process had been completed; he responded that staff had contacted the property owners about removal. Alderman Weaver questioned if the Darien Park District property on Cass Avenue had been sold and if so to whom; Director Dreyer stated that it had been sold but was unsure to whom. Alderman Tikalsky invited everyone to the Darien Lions Club Annual Pancake Breakfast, which would be held on Sunday, March 21st, at Eisenhower Junior High School from 7:00 A.M. until 1:00 P.M. He said that tickets were \$4.00.

Michael Kidney, 8824 Lake Ridge Drive, brought forth concerns about the Darien Park District, particularly the poor audio of the televised Board meetings; he felt that the Board was ineffective due to

its lack of information released to the public. He said that the Board needed new representation that would be forthright and work for the citizens.

Debby Heniff, 1509 Winterberry Lane, commented on the Task Force, which was created after the petition drive to dissolve the Darien Park District ended. She stated that the petitions were withdrawn because of the chaos the dissolution caused with people's personal lives. She said that the Task Force, made up of residents, was determined to take the Park District back and its purpose was for accountability and honesty of those who serve on the Board.

Mayor Soldato stated that if residents were concerned, they could attend Darien Park District Board meetings, which are held on the third Tuesday of the month beginning at 7:30 P.M. at Marion Hills.

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 8:30 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 03-15-04.