

# Village of Carol Stream

## BOARD MEETING

### AGENDA

OCTOBER 6, 2008

*All matters on the Agenda may be discussed, amended and acted upon*

#### **A. ROLL CALL AND PLEDGE OF ALLEGIANCE:**

#### **B. MINUTES:**

1. Approval of the Minutes of the September 15, 2008 Meeting.

#### **C. AUDIENCE PARTICIPATION & PUBLIC HEARINGS:**

1. Moment of Silence – PFC Leonard J. Gulczynski
2. Resolution No. 2374 Honoring Richard H. Willing Upon His Retirement from the Village of Carol Stream Police Department.
3. Rotary Exchange Student – Alex Graf (Switzerland)
4. Michelle Lia – Illinois Teacher of the Year Nominee
5. Proclamation Declaring October 5-11, 2008 as Fire Prevention Week in Carol Stream.
6. Proclamation Declaring October 2008 as Breast Cancer Awareness Month in Carol Stream.

#### **D. SELECTION OF CONSENT AGENDA:**

*If you are here for an item which is added to the consent agenda and approved, the Village Board has acted favorably on your request.*

#### **E. BOARD AND COMMISSION REPORTS:**

##### **1. PLAN COMMISSION:**

- a. #06362 – Village of Carol Stream – 500 N. Gary Avenue  
*Text Amendments – Utility Structures*  
**RECOMMENDED APPROVAL (4-1)**  
*Text amendments to establish standards for utility structures.*
- b. #08214 – FedEx Ground – 150-180 Della Court  
*Special Use Permit – Garage and Parking Lot Not Incidental to a Permitted Use*  
**RECOMMENDED APPROVAL WITH CONDITIONS (4-1).**

# Village of Carol Stream

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*Zoning approvals for the remodeling of an existing warehouse space as an indoor parking facility.*

- c. #08215 – Lawrence S. Nora/U-Stor-It – 120 Tubeway Drive

*Special Use Permit – Mini-Warehouse*

*Zoning Variation – Floor Area Ratio*

**RECOMMENDED APPROVAL WITH CONDITIONS (5-0)**

*Gary Avenue Corridor Review*

**APPROVED WITH CONDITIONS (5-0).**

*Zoning approvals for the remodeling of an existing warehouse building as a self-storage facility.*

- d. #08168 – Central Development Corporation, 1065 Fountain View Dr.

*Gary Avenue Corridor Review*

**APPROVED WITH CONDITIONS (5-0).**

*Zoning approval for the third and final building in the Fountains of Town Center commercial area.*

**For information only. No Village Board action required.**

#### **F. OLD BUSINESS:**

#### **G. STAFF REPORTS & RECOMMENDATIONS:**

1. Waiver of Building Permit Fees for Repair of Property Damaged in the Recent Flood Event.

*As directed by the Village Board, staff has prepared a procedure to assist homeowners in making flood repairs.*

2. Request for Approval of an Easement Encroachment at 1350 Tall Oaks Drive.

*The property owner, Mr. Ralph Porter, wishes to expand his garage. The proposed expansion would encroach into a utility easement.*

3. Labor Relations and Collective Bargaining Services Recommendation.

*This item requests authorization to engage the services of Seyfarth Shaw attorneys for labor relations and collective bargaining services.*

4. Award of Contract – Roof Replacements.

*Staff recommends award of roof replacements based upon a bid opening on September 30, 2008 to Anthony Roofing of Aurora, IL in the amount of \$50,635.*

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5. Road Salt Award – Cargill, Inc., Salt Division.  
*Staff recommends the award of the state bid for road salt to Cargill, Inc. at the unit cost of \$60.78 per ton.*
6. Thin Client Server Equipment Purchase.  
*Staff recommends award of purchase of thin client computer equipment to Dell computers under State of Illinois bid pricing.*
7. 50<sup>th</sup> Anniversary Celebrations Events and Activities.  
*This item requests direction and concurrence on events and activities to celebrate the Village's 50<sup>th</sup> year of incorporation.*

#### **H. ORDINANCES:**

1. Ordinance No. \_\_\_\_\_, Amending the Municipal Code of the Village of Carol Stream (Zoning and Subdivision Codes – Above Ground Utility Structures).  
*See E1a.*
2. Ordinance No. \_\_\_\_\_, Granting a Special Use for a Garage and Parking Lot Not Incidental to a Permitted Use in the I Industrial District (150-180 Della Court).  
*See E1b.*
3. Ordinance No. \_\_\_\_\_, Granting a Special Use Permit to Allow a Mini-Warehouse in the I Industrial District and a Variation to Exceed the Allowable Floor Area Ratio (120 Tubeway Drive).  
*See E1c.*
4. Ordinance No. \_\_\_\_\_, Amending the Annual Budget for the Village of Carol Stream for the Year Commencing May 1, 2008 and Ending April 30, 2009.

#### **I. RESOLUTIONS:**

1. Resolution No. \_\_\_\_\_, Declaring Surplus Property Owned by the Village of Carol Stream.  
*The Public Works Department would like to declare the old copy machine surplus and attempt to sell it on Ebay.*

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2. Resolution No. \_\_\_\_\_, Authorizing the Execution of an Intergovernmental Agreement By and Between the Village of Carol stream and the Village of Glendale Heights for the Provision of Police Services by the Village of Glendale Heights at Glenbard North High School.

#### **J. NEW BUSINESS:**

1. Request from Cotton Ford for Temporary Approval of Event Signage. *Cotton Ford seeks approval to place pennants and banner signs to advertise a sales event.*
2. Appointment of Timothy McNally to the Plan Commission/Zoning Board of Appeals.

#### **K. PAYMENT OF BILLS:**

1. Regular Bills:
2. Addendum Warrant:

#### **L. REPORT OF OFFICERS:**

1. Mayor:
2. Trustees:
3. Clerk:

#### **M. EXECUTIVE SESSION:**

#### **N. ADJOURNMENT:**

**LAST ORDINANCE: 2008-08-48**

**LAST RESOLUTION: 2373**

**NEXT ORDINANCE: 2008-09-49**

**NEXT RESOLUTION: 2374**

**REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES**  
**Gregory J. Bielawski Municipal Building, Carol Stream, DuPage County, Illinois**

**September 15, 2008**

Mayor Frank Saverino, Sr. called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Beth Melody to call the roll.

Present: Mayor Saverino, Trustees Drager, Schwarze, McCarthy,  
Geiser and Fenner

Absent: Trustee Weiss

Also Present: Village Manager Breinig, Assistant Village Manager Mellor,  
Attorney Diamond, Village Clerk Melody and Deputy Village Clerk  
Progar

Mayor Saverino led those in attendance in the Pledge of Allegiance.

**MINUTES:**

Trustee McCarthy moved and Trustee Fenner made the second to approve the Minutes of the Meeting of August 18, 2008 as presented. The results of the roll call vote were:

Ayes:	5	Trustees Drager, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	
Absent:	1	Trustee Weiss

**AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:**

**Presentation by State Senator Carole Pankau:**

Senator Pankau said that she came to the Board Meeting as a part of the process of visiting all of the elected Boards in her district during her term, so that she can see first hand how everything is going and if there are matters that she help to address. Sen. Pankau said that Springfield is very unusual right now; everybody is staying out of Springfield, on purpose. The President of the Senate, Emil Jones has decided that he is going to reinterpret the Constitution of our State, and so when it says that if one Chamber acts on a mandatory veto, the other Chamber must act within 15 days or they are null and void. He decided that that actually meant 15 days from the date that it is read into the Senate record, and interprets that day to be November 12<sup>th</sup>, which is the first day of the veto session. So he does not intend to bring the Senate back into session to deal with the overrides that the Governor did on the ethics bill, which is the main sticking point right now, or the fund sweeps that the House recommended to the Senate that we do to restore some of the money that the Governor cut out of domestic violence programs and also drug and alcohol abuse programs or some of the other things that were cut out, like State Parks, Historical Sites are threatened to be closed on October 1<sup>st</sup>. So right now, the Senate is not going back, and she was not sure if she was going to be able to be here, because there were rumors from the House, (that was in Session last week and had voted on some of the issues. Since the President of the Senate will not call the Senate into Session and the Governor will not since he is the only other official that is permitted to do so. The Governor does not want the ethics bill passed either. Sen. Pankau said that earlier today, the President of the County Board

Bob Schillerstrom did declare DuPage County a disaster area that is step one of the process. This afternoon, the Governor declared seven counties disaster areas. She said that now the process goes through the Federal Government and we will have to wait and see if they will also declare the area as a disaster area. The Village Manager will be very busy assessing the damage because sometime tomorrow he will have to have the initial estimations of the damage in your community so that they can be tallied and submitted to the Federal Government within a certain period of time. Itasca, Wood Dale and Addison were very hard hit. Sen. Pankau said some of the things that the County Board put into place since the 1987 flood were the County Storm Water ordinance, the Wood Dale-Itasca reservoir, and the Elmhurst Stone quarry. Those things have worked. Although there was flooding in all of DuPage County mainly because the County is flat, so the water has no where to go except spread out. A lot of the things did work to basically hold water until it could be released at a slower rate. There is a project in Busse Woods called the Busse Woods Modification that will hold a lot of water until it can be released at a slower rate into the Salt Creek and the Salt Creek. Mayor Saverino thanked Senator Pankau for coming to speak and asked her to come more often and update us as well as the community.

**Resolutions 2262 to 2271, Recognizing the 2008 Community Pride Award Recipients.**

Trustee Gieser read one of the Resolutions, and Mayor Ferraro congratulated each of the recipients with a plaque of the picture of the house and a certified copy of the Resolution. The following awards were presented to the following residents;

Nicholas Residence, 932 Dearborn Cir., Dunning Residence, 453 Cochise Ct. , Sewell Residence, 1220 Knollwood Dr. , Brjowski Residence, 1102 Idaho St., Hein Residence, 1236 Lance La., Pelletier Residence, 1202 Country Glen, Bradford Residence, 1228 Hyannis Cir., Simkus Rec. Center, 849 Lies Rd., and Augustino's Rock n' Roll Deli, 246 S. Schmale Rd.

**Proclamation Designating September 2008 as Prostate Cancer Awareness Month:**

Trustee Drager read the Proclamation designating September 2008 as Prostate Cancer awareness Month.

**Proclamation Declaring September 20-27, 2008 Dollar Wise Week-Savings for Kids and Families:**

Trustee Schwarze read the Proclamation Declaring September 20-27, 2008 Dollar Wise Week-Savings for Kids and Families:

**AGENDA:**

Trustee Fenner moved and Trustee Schwarze made the second to establish a Consent Agenda for this meeting. The results of the roll call were:

Ayes: 5	Trustees Drager, Schwarze, McCarthy, Gieser and Fenner
Nays: 0	
Absent: 1	Trustee Weiss

Trustee McCarthy moved and Trustee Drager made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call were:

Ayes: 5 Trustees Drager, Schwarze, McCarthy, Gieser and Fenner  
 Nays: 0  
 Absent: 1 Trustee Weiss

- 1 No action required: Text Amendment to establish standards.
- 2 No action required: 600 E. North Ave.-Minor Amendment to PUD
- 3 No action required: 150-180 Della Ct.-Conversion of warehouse to parking
- 4 No action required: 120 Tubeway-spec. use, Zoning Vary & Gary Avenue .Review
- 5 Approve purchase-7 Panasonic Laptop Squad MDCs.
- 6 Resolution 2372: Declare Surplus Property owned by the Village of Carol Stream – Police & PW vehicles
- 7 Resolution 2373: Declare Surplus Property owned by the Village of Carol Stream – Old unused computer equip. to be recycled
- 8 Request from WDSRA for waiver of fees for building permits
- 9 Appoint Ralph Salatino to Police Pension Board
- 10 Re-Appoint Dee Spink and Ralph Smoot to the PZA
- 11 Approve Raffle License, Waiver of Fees and fidelity bond-Spring Trail School
- 12 Approve waiver of fee for amplification permit- Outreach Community Center
- 13 Payment of Bills, Addendum Warrant of Bills, Treasurer’s Report

Trustee Fenner moved and Trustee Gieser made the second to approve the Consent Agenda for this meeting by omnibus vote. The results of the roll call were:

Ayes: 5 Trustees Drager, Schwarze, McCarthy, Gieser and Fenner  
 Nays: 0  
 Absent: 1 Trustee Weiss

The following is a brief description of those items placed on the Consent Agenda for this meeting.

**Approve purchase-7Panasonic Laptop Squad MDCs:**

The Board approved the waiver of bid and the purchase of 7 Panasonic Tough books for the Squads under the State bid total of \$24,650.00.

**Resolution 2372: Declare Surplus Property owned by the Village of Carol Stream – Police & PW vehicles:**

The Board adopted Resolution 2372, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM – Police & PW vehicles.

**Resolution 2373: Declare Surplus Property owned by the Village of Carol Stream – Old, unused computer equip. to be recycled:**

The Board adopted Resolution 2373, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. – Old unused computer equip. to be recycled.

**Request from WDSRA for waiver of fees for building permits:**

The Board approved the request for a waiver of fees for building permits for replacing the roof, resurfacing the parking lot, and possibly extending/installing some interior office walls.

**Appoint Ralph Salatino to Police Pension Board:**

The Board concurred with the appointment of Ralph Salatino to the Police Pension Board.

**Re-Appoint Dee Spink and Ralph Smoot to the PC/ZBA:**

The Board concurred with the reappointment of Ms. Dee Spink and Mr. Ralph Smoot to the PC/ZBA for another five (5) year term ending October 31, 2013.

**Approve Raffle License, Waiver of Fees and fidelity bond-Spring Trail School:**

The Board approved the waiver of fees and the Manager's Fidelity Bond fee for the Spring Trail PTO. The proceeds will be used to provide a new science curriculum.

**Approve waiver of fee for amplification permit- Outreach Community Center:**

The Board approved the waiver of amplification permit fee for the Outreach Community Center for an outdoor community event - Fiesta Latina on September 19, 2008.

**Payment of Bills, Addendum Warrant of Bills, Treasurer's Report:**

The Board approved the payment of the Regular Bills in the amount of \$254,759.32. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$718,721.05.

The Board accepted the Treasurer's Report for Month Ending August 31, 2008.

The Board approved the payment of the Regular Bills in the amount of \$395,690.71.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$718,580.25.

**REGULAR MEETING:**

Trustee Drager commented that the flooding over the weekend shows how this community pulls together to help residents that are in need. He said that Mr. Breinig and the Mayor were out there making sure that needs were being met. Trustee Drager congratulated the winners of the Community Pride awards and he thanked them for keeping the community looking great, and as always he asked everyone to pray for our troops.

Trustee McCarthy noted that the Chicago area received 121 billion gallons of water in a 24 hour period. He thanked everyone that helped the residents that were affected which shows what a great community this is.

Trustee Fenner congratulated all of the Community Pride Award winners and that she would also like recognize and thank all of the neighbors helping neighbors.

Trustee Gieser said thank to all the neighbors helping out. He said that the Board has heard the concerns of many residents and they will be looking into them and try to come up with a solution. Trustee Gieser noted that the deadline for the 50<sup>th</sup> anniversary Logo is September 26<sup>th</sup> and urged residents to put pen to paper and show us what you can do. He stated the there will be a live presentation called "Out on the Farm", which is a television program from 1954 and was done right here where the Village Hall is located. An episode of the program, which features the Landmeier family will be shown after the



discussion. Trustee Gieser noted that the Village got honorable mention from the Illinois Arts Alliance as an Illinois Arts friendly community. Carol Stream is one out of twelve communities to receive this.

Trustee Schwarze said that he also saw residents that were helping residents that were in other areas that where they lived. He congratulated all of the winners of the Community Pride Awards and noted that the Battle of the Badges blood drive scores were Fire 23 and Police 22 with 2 no votes. Trustee Schwarze invited all residents to come to the Annual Fire Safety Open House on October 11, 2008, 11 a.m. to 3:00 p.m.. He said that there will be "Weaver" the fire arson dog and the arrival of the Channel 2 News helicopter as well as snacks and drinks and lots of giveaways. Shop Carol Stream!!!

Village Manager Joe Breinig said that Oktoberfest will be on September 23<sup>rd</sup> at the Town Center starting at 3p.m. with the kids events and then at 5:25 p.m. with tapping the keg and the adult portion of the celebration. Staff is in the process of critiquing the response of the events of this past weekend, looking to improve how the response. Mr. Breinig said that if there are people who have had flooding problems or other concerns please contact the staff as it is important to document everyone that has been affected. He said that there will be dumpsters put out in the affected neighborhoods to help people to get rid of their flood damage.

Mayor Saverino said that the staff did an excellent job. He said that when he got to the Municipal Center, the disaster team was already on the job working on organizing the effort to help those who needed help immediately. He thanked them for the jobs that they do, and for everyone else that just pulled together to get done what was needed. Mayor Saverino thanked Congressman Peter Roskam for coming into the Village and assessing the damage,. Franco Coladepietro called to find out what he could do for the Village and said that the Governor was going to declare DuPage County a disaster area. He also thanked Jim Zay from the County Board in offering sand bags. He also congratulated the Community Pride Award winners and noted that if everyone took care of their property like those people do, this town would be even better than it is. He thanked Luanne Triolo, Director of the Chamber of Commerce for all of help that she rounded up donations from the Chamber members.

Mayor Saverino said that the Board will adjourn to Executive Session to discuss the Appointment of Legal Counsel – Labor Relations and that there will no further action by the Board and they will adjourn at the end of that session.

Trustee McCarthy moved and Trustee Drager made the second to adjourn from Executive Session without taking any further action. The results of the roll call were:

Ayes: 5	Trustees Drager, Schwarze, McCarthy, Gieser and Fenner
Nays: 0	
Absent: 1	Trustee Weiss

FOR THE BOARD OF TRUSTEES

**AGENDA ITEM**  
C-2 10-6-08

**RESOLUTION NO. 2374**

**A RESOLUTION HONORING RICHARD H. WILLING  
UPON HIS RETIREMENT FROM THE  
VILLAGE OF CAROL STREAM POLICE DEPARTMENT**

WHEREAS, Richard H. Willing joined the Carol Stream Police Department as a patrol officer on October 9, 1979; and,

WHEREAS, Richard H. Willing was promoted to the rank of Sergeant on June 28, 1987; and,

WHEREAS, Richard H. Willing was promoted to the rank of Lieutenant on October 6, 1997; and,

WHEREAS, Richard H. Willing was promoted to Deputy Chief on June 18, 2001; and,

WHEREAS, Richard H. Willing was promoted to Chief on January 20, 2003; and,

WHEREAS, Richard H. Willing served as the Treasurer and Secretary of the DuPage Chiefs of Police Association; and

WHEREAS, Richard H. Willing has made the decision to retire from public service with the Village of Carol Stream Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, on behalf of all the former and present elected and appointed officials and residents of Carol Stream, that:

1. Chief Richard H. Willing's service and dedication to the Village of Carol Stream and accomplishments in the field of law enforcement are hereby recognized and commended.
2. Richard H. Willing is wished the very best of happiness and health in his retirement.

This Resolution shall be in full force and effect from and after its passage and as approved by law.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2008.

AYES:

NAYS:

ABSENT:

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Frank Saverino, Sr., Mayor

ATTEST:

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Beth Melody, Village Clerk

C-5 10-6-08

## PROCLAMATION

### Declaring October 5-11, 2008 Fire Prevention Week in Carol Stream

WHEREAS, the Village and the Carol Stream Fire Protection District are committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,500 people in the United States in 2008, according to the latest research from the nonprofit National Fire Protection Association (NFPA), and fire departments in the United States responded to nearly 400,000 home fires; and

WHEREAS, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

WHEREAS, the Carol Stream Fire Protection District's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Carol Stream residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, Carol Stream residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2008 Fire Prevention Week theme, '**It's Fire Prevention Week - Prevent Home Fires!**' effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

NOW THEREFORE, I, FRANK SAVERINO SR., MAYOR OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS do hereby proclaim October 5-11, 2008 as **FIRE PREVENTION WEEK** throughout the community-at-large, and urge all Carol Stream residents to heed the important safety messages of Fire Prevention Week 2008, and to support the many public safety activities of the Carol Stream Fire Protection District by attending their annual Fire Prevention Week Open House scheduled for Saturday, October 11<sup>th</sup> from 11am - 3 pm at Fire District Headquarters located at 365 N. Kuhn Rd.

PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF OCTOBER  
2008.

\_\_\_\_\_  
Frank Saverino Sr. - Mayor

\_\_\_\_\_  
Beth Melody, Village Clerk

PROCLAMATION

AGENDA ITEM

C-6 10-6-08

DECLARING OCTOBER 2008  
BREAST CANCER AWARENESS MONTH IN CAROL STREAM

WHEREAS, approximately 1 in 8 women will develop breast cancer in their lifetime;  
and

WHEREAS, breast cancer is the most commonly diagnosed cancer and the second leading cause of cancer deaths among women in the United States; and

WHEREAS, it is estimated that 8,680 new female breast cancer cases in Illinois will occur in 2008, and it is also estimated that approximately 1,950 women will die of breast cancer in Illinois in 2008; and

WHEREAS, nationally, approximately 182,460 new cases of invasive breast cancer are expected to be diagnosed among women in 2008, and it is also estimated that nationally 40,480 women will die of breast cancer in 2008; and

WHEREAS, every woman is at risk for breast cancer even if she has no family history of the disease, but women over the age of 40 are at the greatest risk for being diagnosed with breast cancer; and

WHEREAS, the overall 5-year survival rate for women diagnosed with breast cancer is 92% and the overall 10-year survival rate is 80%. When breast cancer is diagnosed early (Stage I) the 5-year survival rate for women is 100%; and

WHEREAS, a mammogram is the single most effective method of detecting breast changes long before physical symptoms that may be cancer can be seen or felt; and

WHEREAS, October is designated as **National Breast Cancer Awareness Month** and local hospitals such as Central DuPage Hospital in Winfield and its convenient care facilities in Bartlett, Bloomingdale, Naperville, Wheaton & St. Charles, GlenOaks Hospital in Glendale Heights and for income-qualified at the DuPage County Health Department in Wheaton will all be offering low cost breast cancer screenings throughout the month of October; and

WHEREAS, the pink ribbon is the internationally recognized symbol of breast cancer awareness; and

WHEREAS, community organizations, churches, synagogues and other places of worship, and work sites can play a special role in educating their members or employees about breast cancer;

NOW, THEREFORE, I, MAYOR FRANK SAVERINO SR. do hereby proclaim October 2008 as **National Breast Cancer Awareness Month** and encourage residents to wear pink ribbons during **Pink Ribbon Week**, in recognition of breast cancer and in honor of women who are now courageously fighting the battle with breast cancer. The Village Board encourages women to become proactive with their health and recommend they regularly consult their physician about periodic screenings, regular clinical breast examinations and mammograms as well as conducting monthly breast self examinations.

PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF OCTOBER 2008.


\_\_\_\_\_  
Frank Saverino Sr. - Mayor

\_\_\_\_\_  
Beth Melody, Village Clerk

Ela 10-6-08

*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Robert J. Glees, Community Development Director 

**DATE:** September 29, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**PC/ZBA Case 06362, Village of Carol Stream, 500 N. Gary Avenue**  
**Text Amendments – Zoning Code and Subdivision Code**

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Recent events have pointed to the need for an update to those sections of the Village Code that convey the community's standards with respect to large, above-ground utility structures. Historically, the community standard has been to require that utility structures be placed in rear yards only. However, utility companies and developers have been ignoring this standard of late – utility boxes have been placed in front and corner side yards, and the boxes themselves have grown larger.

In order to make the Village's requirements more clear in the Subdivision Code and the Zoning Code, staff and the Village Attorney commenced work on a set of text amendments. During the course of this work, we reviewed the standards recently developed in Wheaton and Roselle. In this way, we were able to take advantage of the public review and comment that had taken place, and were able to develop standards for Carol Stream that would be consistent with the new standards of those communities. Also as part of this project, staff took the opportunity to make minor updates to various sections of the Zoning Code and Subdivision Code.

The Village Attorney has reviewed the proposed text amendments and found them satisfactory. The staff report presenting the final revision of the text amendments was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on September 5, 2008. The September 8, 2008, PC/ZBA meeting was cancelled for lack of a quorum, and so the case was rescheduled to September 22. At that meeting, the PC/ZBA recommended approval of the text amendments by a vote of 4-1.

If the Village Board concurs with the Plan Commission/Zoning Board of Appeals recommendation, they should approve the requested text amendments and adopt the necessary Ordinance.

RJG:bg

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EIB 10-6-08

*Village of Carol Stream*

## Interdepartmental Memo

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Donald T. Bastian, Assistant Community Development Director *DB*

**THROUGH:** Robert J. Glees, Community Development Director *RG*

**DATE:** October 1, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**PC/ZBA Case No. 08214, Fed Ex Ground Parking Facility, 150-180 Della Court**  
**Special Use Permit for Garage and Parking Lot Not Incidental to a Permitted Use**

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Property owner Kevin Connelly of Connelly Partners has submitted an application requesting approval of a Special Use Permit to allow an indoor parking garage and outdoor parking lot, not incidental to a permitted use, at 150-180 Della Court. Fed Ex Ground, located on the adjacent property at 205 Della Court, wishes to create parking for their employees on the property at 150-180 Della Court, to make available sufficient parking lot area to allow for expanded trailer parking and staging on their 205 Della Court property. The Zoning Code lists *garages and parking lots for motor vehicles not incidental to a permitted use* as a Special Use in the 'I' Industrial District. The applicant is proposing to build-out an approximate 110-space indoor parking garage in the western 41,850 square feet of the 66,748 square foot building at 150-180 Della Court. The proposed indoor garage, and the existing surface parking lot on the west side of the building, which would be modified to provide 52 spaces, would be used for automobile parking for Fed Ex ground employees. As a point of information, staff has advised Fed Ex that an expansion of the existing Special Use will be necessary before they would be able to commence parking and staging trailers in what is currently the employee parking lot located south of the Fed Ex building. Fed Ex should also be aware that if the Village Board approves the current special use to allow the off-site employee parking facilities, it does not guarantee that a special use expansion to increase trailer parking and staging at 205 Della Court will be approved.

The staff report presenting the request, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on September 5, 2008. The September 8 PC/ZBA meeting was canceled due to the lack of a quorum of PC/ZBA members. At their September 22, 2008, meeting, by a vote of 4-1, the PC/ZBA recommended approval of the Special Use Permit to allow the indoor garage and parking lot not incidental to a permitted use, subject to the conditions contained within the staff report. The Plan Commission recommended an additional condition that evergreen trees be installed west of the overhead door to block the view of headlights on the vehicles exiting the indoor garage, as seen from the residential properties to the west on Mission Court. It should be noted that the recommended conditions of approval include requirements for: 1) the proper ventilation of the indoor garage; 2) the installation

of a guardrail between the parking garage space and the adjacent building tenant spaces to provide an additional safety factor; 3) the screening of any new rooftop equipment; and 4) the installation of a sidewalk to provide proper pedestrian accessibility between the 150-180 Della Court property and the 205 Della Court property.

If the Village Board concurs with the Plan Commission/Zoning Board of Appeals recommendation, they should approve the requested Special Use Permit for the indoor parking garage and parking lot not incidental to a permitted use, subject to the conditions contained within the Ordinance, and adopt the necessary Ordinance.

DTB:db

c: Kevin Connelly, via fax, (847) 543-9077

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EIC 10-6-08*Village of Carol Stream*

## Interdepartmental Memo

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Donald T. Bastian, Assistant Community Development Director *DB*

**THROUGH:** Robert J. Glees, Community Development Director *RG*

**DATE:** October 1, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**PC/ZBA Case No. 08215, U-Stor-It, Inc., 120 Tubeway Drive**  
**Special Use Permit for Mini-Warehouse, Variation for Floor Area Ratio, and**  
**Gary Avenue Corridor Review**

Lawrence Nora of *U-Stor-It* has submitted an application requesting approval of a Special Use Permit for a Mini-Warehouse in the 'I' Industrial District, a Variation to exceed the allowable Floor Area Ratio for Mini-Warehouses, and Gary Avenue Corridor Review. The 2.04-acre property, located at the southwest corner of Gary Avenue and Tubeway Drive, contains a 42,919 square foot industrial building and associated improvements. The applicant is proposing to convert the interior of the eastern 31,829 square feet of the building to a three-story mini-warehouse (self-storage) facility. The self-storage facilities would consist of steel units of various sizes. An office offering the retail sale of storage-related items would be located at the northeast corner of the first floor, and a manager's apartment, which is permitted by the Zoning Code, would be located on the second floor above the office. With respect to the requested Variation for Floor Area Ratio, there will be no changes to the footprint or height of the building; however, since three floors are proposed to be installed within the existing one-story building, the proposed floor area ratio of 1.11 requires a Variation from the maximum floor area ratio of 0.50 set forth in the Zoning Code. Finally, the applicant is proposing to add some doors and windows to the north, south and east building elevations, which requires Gary Avenue Corridor Review.

The staff report presenting the requests, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on September 5, 2008. The September 8 PC/ZBA meeting was canceled due to the lack of a quorum of PC/ZBA members. The Village Board received a revised site plan showing a modified fence location that was distributed on September 19, 2008. At their September 22, 2008, meeting, by a vote of 5-0, the PC/ZBA recommended approval of the Special Use Permit to allow the Mini-Warehouse and the Variation to allow a floor area ratio of 1.11, subject to the conditions contained within the staff report. The PC/ZBA also voted 5-0 to approve the Gary Avenue Corridor Review, subject to the conditions contained within the staff report. Please note that the PC/ZBA vote regarding the Gary Avenue Corridor Review serves as the final decision on this matter.

If the Village Board concurs with the Plan Commission/Zoning Board of Appeals recommendation, they should approve the requested Special Use Permit for a Mini-Warehouse, and the Variation to allow a floor area ratio of 1.11 as opposed to 0.50, subject to the conditions contained within the Ordinance, and adopt the necessary Ordinance.

DTB:db

c: Wendy Musick, via fax, (847) 622-1130

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# AGENDA ITEM

6-1 10-6-08

## *Village of Carol Stream* Interdepartmental Memo

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Robert J. Glees, Community Development Director *BJG*

**DATE:** September 29, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**Permit Fee Waiver for Flood Damage Restoration Work**

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At their regular meeting on September 15, 2008, the Village Board directed that staff prepare a procedure by which building permit fees would be waived for property damage restoration work necessitated by the flood event of September 12 through September 14, 2008. Per that direction, staff has prepared the attached informational handout, which includes descriptions of work requiring and not requiring a permit, as well as policy guidelines for the fee waiver. I would note that we have had two such permit applications, one for a new furnace and one for a new water heater, and the fees for those permits were waived.

A summary of the guidelines proposed by staff is as follows:

- The proposed waiver of flood-related restorative work will be a temporary administrative change to Chapter 6, Article 13 *Permit and Inspection Fees*, of the Carol Stream Code of Ordinances.
- Permit fees for flood-related restorative work will not be waived indefinitely. It is expected that some property owners will not be able to afford restoration costs for a period of time, and so staff believes one year would be a reasonable period of time for the waiver to be in effect. The waiver policy would expire as of September 15, 2009.
- Village staff will make reasonable efforts to determine that the permit work is in fact related to flood damage. This determination will be based on the nature of the work and the location of the property relative to the areas of the Village known to have sustained flood damage.
- There is no eligibility restriction based on the use of the property – residential, commercial, institutional or industrial. However, our damage assessment indicates the damaged properties were all residential, and we have had no reports of flood damage to other types of properties.
- Village staff will make every effort to streamline the permit review process.

- Staff is concerned with excessive reinspections with no reinspection fees. We will reserve the right to charge reinspection fees if there is a strong indication that the work is not being performed responsibly.

If the Village Board concurs with the staff recommendation and the proposed policy guidelines, they should approve by motion the proposed temporary administrative change to the building permit fee structure, to be effective until September 15, 2009.

RJG:bg

u:\misc village board correspondence\10-6-08 permit fee waiver for flood damage.doc

# *Village of Carol Stream*

## **FLOOD DAMAGE REPAIR PERMIT INFORMATION**

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**Purpose and Intent** – This informational guide is intended to make property owners, tenants and contractors aware of the Village of Carol Stream's building permit requirements with respect to the repair of damage caused by the recent flood event of September 2008.

**Waiver of Fees** – As directed by the Carol Stream Village Board, permit and inspection fees for the repair of flood damage will be waived. This waiver applies only to properties damaged during the flood event of September 12 through September 14, 2008. Please be advised that this is a temporary administrative change to the Carol Stream Building Permit and Inspection Fee Schedule, and this waiver will expire September 15, 2009.

### **Work Requiring a Permit**

1. Replacement of furnace or water heater.
2. Replacement of electrical wiring or service panel.
3. Structural repair.

### **Work Not Requiring a Permit**

1. Drywall and insulation replacement.
2. Carpet replacement.
3. Siding replacement.
4. Replacement of electrical switches, receptacles or circuit breakers, in kind or similar.
5. Replacement of light fixtures, in kind or similar.
6. Cleaning, painting, and other such cosmetic work.
7. Other non-structural work.

If you should have any questions, please contact the Community Development Department at (630)871-6230

*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Donald T. Bastian, Assistant Community Development Director *DB*

**THROUGH:** Robert J. Glees, Community Development Director

**DATE:** October 2, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**Easement Encroachment Request – 1350 Tall Oaks Drive**

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Ralph Porter is seeking approval to allow a proposed single-family home addition to encroach within the Public Utility and Drainage Easement along the side lot line of his property at 1350 Tall Oaks Drive. The front corner of the proposed addition would encroach 2.28 feet into the easement, which is 10 feet in width at this location. As shown on the attached plat of survey, the easement increases significantly in width toward the rear of the property, and the rear corner of the proposed addition would also encroach approximately two feet into the easement. As a point of information, Mr. Porter has submitted building permit applications to the Community Development Department for the proposed home addition and driveway expansion.

The Engineering Services Department has confirmed that adjacent to the proposed home addition, there is a 12-inch storm sewer located in an easement on the property immediately to the east. At this location, the proposed addition would be at least nine feet away from the storm sewer on the neighboring property. The Engineering Services Department has stated that nine feet of horizontal separation would allow sufficient room for work vehicles and equipment to access the storm sewer if it became necessary to do so in the future. The storm sewer eventually turns south and runs across the rear portion of Mr. Porter's property, but the Engineering Services Department is comfortable with the separation distance between the proposed home addition and the storm sewer. Public Works Director Al Turner has indicated that he has no objection to the request.

All of the required documentation for the easement encroachment application has been submitted. Attached are a cover letter from the property owner, the signed "Terms of Approval" letter, the completed Easement Encroachment Application (Form F), copies of the letters from the four utility companies, and a copy of the Plat of Survey indicating the location of the proposed home addition. Staff recommends that the request be approved subject to the condition that the "Terms of Approval" letter be recorded against the property.

If the Village Board concurs with the staff recommendation, they should approve by motion the request for the proposed home addition at 1350 Tall Oaks Drive to encroach within the easement subject to the condition that the "Terms of Approval" letter be recorded against the property.

DTB:db

c: Ralph Porter, via e-mail

Ralph Porter  
1350 Tall Oaks Rd  
Carol Stream Il 60188

Dear Mayor Saverino and Village Board of Trustees,  
I am writing to request an easement encroachment on an addition on my home. We are the Porter family, we have lived in Carol Stream for the last 15 years. We have been in our current home for 9 years. As our family has grown, we have come to the point of needing more garage spaces. We are in the Tall Oaks subdivision of Carol Stream, and love the neighborhood very much. I am the President of the Homeowner's Association here, and have served the board for the 9 years we have lived in Tall Oaks.

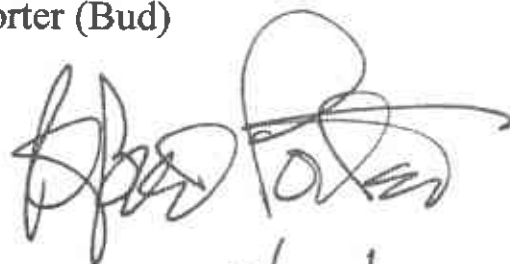
We need to encroach upon the easement in order to get the necessary space for a vehicle. I have contacted the 4 utilities and gotten permission, (see Encroachment Application) and have talked with my neighbors on the side of the home where the addition is to go. They have no objections, nor does the Homeowner's Association.

Please grant me this variance of space so my family can continue to enjoy the neighborhood we love in the town we call home.

We have looked at alternatives to a garage addition, as well as placing it elsewhere on my property, but unfortunately this is the only logical choice, save moving.

I look forward to your decision, and meeting you at the variance hearing.

Sincerely, Ralph Porter (Bud)



9/12/08

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SEP 15 2008

COMMUNITY  
DEVELOPMENT DEPT



# Village of Carol Stream

FRANK SAVERINO SR., MAYOR • BETH MELODY, CLERK • JOSEPH E. BREINIG,  
MANAGER

500 N. Gary Avenue • Carol Stream, Illinois 60188-1899  
(630) 665-7050 • FAX (630) 665-1064  
www.carolstream.org

September 15, 2008

Mr. Ralph Porter  
1350 Tall Oaks Drive  
Carol Stream, Illinois 60188

Re: Easement Encroachment for Home Addition

Dear Mr. Porter:

The Village of Carol Stream has reviewed your request to allow a proposed addition to your home to be located within the public utility and drainage easement on your property. Conditioned upon your agreement to the following terms, the Village is willing to grant such permission to you (the "Owner"):

1. The grant of permission for a proposed single-family home addition encroachment into the Public Utility and Drainage Easement shall not constitute nor be deemed to constitute a waiver of any rights the Village otherwise possesses in the Easement. Owner further agrees not to erect any further improvements, edging, poles, standards or any other improvements upon any portion of the Easement which is subject of this Agreement without the written consent of all parties with interests in the Easement. This grant of permission shall be solely and exclusively for the proposed single-family home addition encroachment and does not expressly or implicitly grant, confer, convey or create any other right or interest in favor of the owner of the Parcel. This grant of permission shall terminate upon the first to occur of the following events: (i) the removal by the Owner of the encroaching improvement; (ii) the destruction of the improvement encroaching on the Easement; (iii) the failure by the Owner to comply with Village Ordinances; (iv) the failure of the Owner to perform, honor and abide by the terms, conditions and covenants set forth in this Agreement, where such failure continues for more than seven (7) days beyond the date written notice thereof is given by the Village whereupon, in such event, the Village may remove the encroachment at the expense of the Owner, such expense constituting a lien upon the property; or (v) upon 60 days notice from the Village.

2. Owner agrees to maintain the improvement in a safe and defect free condition. Further, Owner agrees that it shall not change the size, shape or structure of the improvement without the written approval of the Village.

3. Owner acknowledges that it may become necessary for the Village to remove the improvement in order to affect repairs or other maintenance and, therefore, agrees that the Village may remove the encroachment when the Village, in its sole discretion, determines such work is necessary in order to perform the repairs or maintenance. The Village will not be



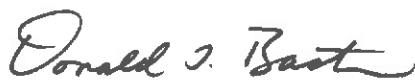
responsible for any damage or destruction to the improvement which occurs during this process. Such work by the Village may be without prior notice to the Owner; however, Village shall endeavor to give at least seven (7) days notice where possible. Owner also agrees to reimburse the Village for any costs incurred by the Village in removing the encroachment and also agrees that Owner shall be solely responsible for all costs and expenses of restoring the land or replacing the improvement following completion of any work by the Village.

4. Owner agrees that it shall indemnify and hold harmless the Village from and for any and all claims for damages to real and personal property and injuries to or death suffered by persons by reason of the installation, maintenance, repair, or operation of the improvement or any other encroachment in the Easement. Owner shall add the Village of Carol Stream to its property insurance policy as an additional insured covered thereunder and this Agreement shall constitute a "contract" for the purpose of calling into force any contractual indemnity provision in any insurance policy.

5. As a further condition precedent and inducement to the Village to enter into this Agreement and grant permission, the Owner agrees to pay and/or reimburse Village for all fees, including but not limited to recording and title charges as well as surveying, grading, and any re-landscaping and re-inspection fees and Village's reasonable attorney's fees incurred as a result of the encroachment. Additionally, in the event of any breach by the Owner of any of its covenants, duties, or obligations set forth herein, the Owner shall be liable for all court costs and reasonable attorney's fees incurred or sustained by the Village in enforcing and/or terminating this Agreement.

Should these terms meet with your approval, please execute below and return this letter to me. A second copy of the letter has been provided for your records. Should you have any questions, do not hesitate to contact me at (630) 871- 6233.


Sincerely,



Donald T. Bastian, AICP  
Assistant Community Development Director

DTB:db

AGREED:

---

Ralph Porter

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Do Not Write in This Space	
Date Submitted:	9.15.08
Fee Paid:	100. <sup>00</sup>

# Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188  
630/871-6230 • FAX 630/665-1064

e-mail: [comdevelop@carolstream.org](mailto:comdevelop@carolstream.org) • website: [www.carolstream.org](http://www.carolstream.org)

FORM F

## EASEMENT ENCROACHMENT APPLICATION

- Name of Applicant RALPH PORTER Phone 630.417.3337  
Address 1350 TALL OAKS, CAROL STREAM Fax \_\_\_\_\_  
Name of Owner \_\_\_\_\_ Phone 630.231.5951  
(required if other than applicant) SAME  
Address \_\_\_\_\_ Fax \_\_\_\_\_
- Common Address/Location of Property 1350 TALL OAKS, CAROL STREAM
- Please indicate the type and size (provide dimensions) of the structure that is the subject of this application.  
ONE STORY GARAGE ADDITION.  
12' x 38' 6" (SEE PLAT OF SURVEY W/ ADDITION)
- Please indicate the type of easement into which you are requesting to encroach upon (public utility, drainage or both).  
PUBLIC UTILITY
- Please explain the background of your request for approval to allow a structure to encroach within an easement.  
THE STRUCTURE NEEDS THE SPACE  
BECAUSE IT IS A GARAGE, AND MUST  
BE WIDE ENOUGH FOR A VEHICLE.

9/10/08 

6. Have you explored other options as opposed to locating the structure in the easement? For example, have you considered moving the object out of the easement if it is an existing structure?

WE CONSIDERED MOVING THE STRUCTURE  
TO THE OTHER SIDE OF OUR HOME BUT FAR  
TOO MANY OAK TREES WOULD NEED TO BE DESTROYED.

7. Petitioner Certification

I have received a copy of the easement encroachment process handout. I understand that prior to this request being forwarded to the Village Board for a final decision, I must sign and return to the Village the Terms of Approval letter. I will be informed of the time and date of the Village Board meeting at which my request will be decided, and my attendance at this meeting is required.

RAUPH FORTON  
Print Name  
[Signature]  
Signature  
9/22/08  
Date



Comcast Cable  
688 Industrial Drive  
Evanston, IL 60126

August 1, 2008

Mr. Bud Porter  
1350 Tall Oaks Drive  
Carol Stream, Illinois 60188

Re: 1350 Tall Oaks Drive, Carol Stream, Illinois 60188  
House Addition Encroachment into Utility Easement

Dear Mr. Porter:

This letter serves as written acknowledgment that Comcast Cable Communications, Inc. and its affiliates have no objection to your request to be allowed to encroach into the utility easement with the building of a House Addition on the above-mentioned property.

Please contact J.U.L.I.E. (800-892-0123) prior to any excavating on the property, to assure that any cable lines will not be damaged. If for any reason our cable facilities have to be relocated, please contact me so I can make arrangements for this.

The encroachment herein granted does not under any circumstances, abrogate nor nullify the rights and interests of Comcast Cable Communications, Inc. and its affiliates in and to the easements of record, pertaining to the aforesaid property.

Very truly yours,

Robert L. Schulte, Jr.  
Right-of-way Manager  
Greater Chicago Market  
(630) 600-6352

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DEVELOPMENT DEPT

August 28, 2008

Mr. Bud Porter  
1350 Tall Oaks Drive  
Carol Stream, Illinois 60188

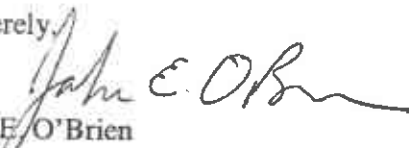
Re: Easement Disclaimer

Dear Mr. Porter:

In connection with your plans to construct an addition to your home, please find enclosed an easement disclaimer for the above referenced property. Please have this document recorded at the DuPage County Recorder's Office and send me to copy of the recorded document for our records.

Should you have any question or need additional information, please call me at (630) 723-3202.

Sincerely,

  
John E. O'Brien  
Real Estate Representative

JEO/jw

Attachment

PL #443264  
Job 8001025

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1844 Ferry Road, Naperville, Illinois 60563

August 5, 2008

Bud Porter  
1350 Tall Oaks Drive  
Carol Stream, IL

Subject: 1-Story Addition  
1350 Tall Oaks Drive  
Carol Stream, IL 60188

To Whom It May Concern:

This letter is sent in response to your recent inquiry regarding the proposed 1-Story addition within the public utility easement lying at the northeasterly portion according to the plat supplied for the following described property:

LOT 23 IN TALL OAKS ESTATES, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 24, 1990 AS DOCUMENT R90-174111, IN DUPAGE COUNTY, ILLINOIS

Nicor Gas has no objection to the proposed 1-Story addition in the public utility easement being the northeasterly portion of Lot 23. However, this is not a release or waiver of any rights Nicor Gas may have in or to the utility easement. Further, any future expense Nicor Gas may incur in exercising its rights in the utility easement shall be borne by the property owner.

Notify JULIE at 1-800-892-0123 at least 48 hours prior to commencing construction activities. Nicor Gas may have gas service pipes providing gas service to the described property. The gas service pipes are neither covered by recorded easement nor are their locations mapped.

Best regards,

A handwritten signature in cursive script that reads "Deena Gaither".

Deena Gaither  
Real Estate Agent

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SEP 15 2008

COMMUNITY  
DEVELOPMENT DEPT



Jacalyn M. Frost  
65 W. Webster ~ Fir. 4E  
Joliet, IL 60432

T:815-774-6773  
F:815-723-5702  
www.jc1243@att.com

September 5, 2008

Mr. Bud Porter  
1350 Tall Oaks Dr.  
Carol Stream, IL

**SENT VIA EMAIL ONLY**

**Re: UTILITY ENCROACHMENT FOR addition to home  
1350 Tall Oaks Dr., Carol Stream, IL**

Dear Mr. Porter:

Pursuant to your correspondence, this is to inform you that Illinois Bell Telephone company dba AT&T Illinois, and Illinois Corporation has no objection to your request to encroach upon our existing utility easement on the following described property:

**LOT 23 IN TALL OAKS ESTATES, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 24, 1990 AS DOCUMENT R0-174111, IN DUPAGE COUNTY, ILLINOIS.**

**PROPERTY COMMONLY KNOWN AS: 1350 Tall Oaks Dr., Carol Stream, IL.**

Illinois Bell Telephone Company dba AT&T Illinois, an Illinois corporation, hereby waives its rights to maintain suit for the removal of said encroachment but otherwise retains all of its rights in and to said easement including, but not limited to, the recovery of damages for injury to its plant whether buried or aerial or to its employees cause by you or your agents, employees, contractors, successors or assigns whether resulting from the erection, maintenance or use of said encroachment or otherwise.

Moreover, where said encroachment is located above buried cable or conduit or in close proximity to buried or aerial plant serviced, altered, replaced, modified or maintained by Illinois Bell Telephone Company dba AT&T Illinois, an Illinois corporation, said Company's liability to you for damage to said encroachment resulting from such servicing, alteration, replacement, modification or maintenance is limited to restoring said encroachment to its prior existing state to the extent such can reasonably be done under the circumstances.

**Call J.U.L.I.E. before any digging 1-800-892-0123 and please maintain a 48" separation from AT&T's cable.**

Sincerely,

Jacalyn M. Frost  
Right-of-Way Manager

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SEP 15 2008

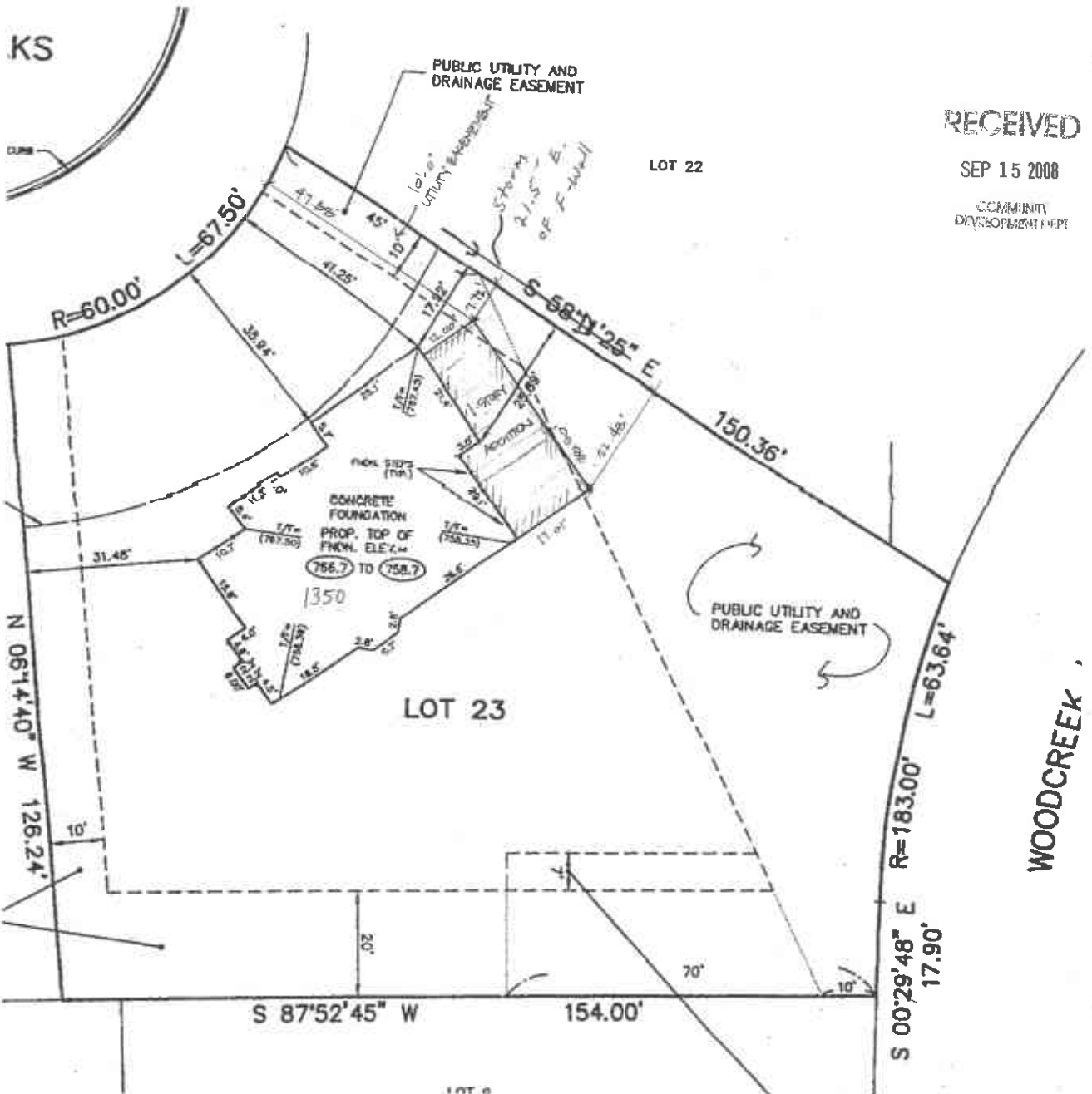
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# PLAT OF SURVEY

of

LOT 23 IN TALL OAKS ESTATES, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 24, 1990 AS DOCUMENT R90-174111, IN DUPAGE COUNTY, ILLINOIS.

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SEP 8 1997  
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***Village of Carol Stream*****INTER-DEPARTMENTAL MEMO**

**TO:** Mayor & Trustees

*Rm*

**FROM:** Robert Mellor, Assistant Village Manager

**DATE:** October 2, 2008

**RE:** Legal Counsel – Labor Relations & Collective Bargaining

Attached for your review and approval is a proposal from Robert Smith, Jr. of Seyfarth Shaw LLP to provide non-corporate counsel legal services to the Village in the area of labor relations and collective bargaining. Seyfarth Shaw LLP and Mr. Smith in particular have extensive knowledge of public sector labor law and a wealth of experience collectively bargaining in Illinois. Seyfarth Shaw LLP represents many municipalities in northern Illinois and is highly recommended by our peers. Several staff members have also previously worked with Bob Smith and Seyfarth Shaw in other capacities and have been impressed with their breadth of experience and expertise. Staff recommends Village Board approval to engage the services of Seyfarth Shaw LLP as the Village labor and employment law attorney per the terms and fees specified in the attached proposal dated September 4, 2008. I am available should you have any questions.

**Cc:** Joseph E. Breinig, Village Manager  
Rick Willing, Chief of Police  
Al Turner, Public Works Director  
Caryl Maurer, Employee Relations Director

Writer's direct phone  
(312) 460-5890  
Writer's e-mail  
rsmith@seyfarth.com

September 4, 2008

**Via Hand Delivery**

Mr. Joseph Breinig  
Village Manager  
Carol Stream Village Hall  
500 N. Gary Avenue  
Carol Stream, Illinois 60188

Re: Response to Request for Legal Services

Dear Mr. Breinig:

This is in response to your request for information on the background and qualifications of Seyfarth Shaw LLP to provide legal assistance to the Village of Carol Stream in connection with collective bargaining, labor relations and employment law matters. Thank you for inviting me to submit this information. We would welcome this opportunity to represent the Village in such matters.

**Background on Seyfarth Shaw**

Seyfarth Shaw has one of the nation's most widely known management labor and employment practices. Over 250 attorneys in our firm are solely dedicated to the practice of labor and employment law, including 110 practicing out of our Chicago office.

Among Seyfarth Shaw's Chicago labor and employment lawyers are more than two dozen attorneys who devote a significant portion of their practice to representing municipalities and other public entities. Some of these attorneys, like myself, devote a substantial majority of their time to representing public employers. The Firm's public sector clients thus have available to them a large number of attorneys experienced in labor relations and collective bargaining issues, interest arbitration proceedings, unfair labor practice proceedings and contract interpretation disputes, including grievance arbitration.

Seyfarth Shaw maintains one of the largest public sector labor and employment practices in Illinois and throughout the country, with a client base that includes numerous municipalities, fire protection districts, federal and state governmental agencies, counties, colleges and universities,

school boards, and other special government districts. Over the years, we have advised more public employers on a multi-jurisdictional basis than perhaps any law firm in the country.

I serve as general counsel to the Illinois Public Employer Labor Relations Association (IPELRA). Our Firm is general counsel to the National Public Employer Labor Relations Association. I am also the management chair of the Interest Arbitration Subcommittee of the American Bar Association Committee on State and Local Collective Bargaining and Employment Law, and have authored the committee reports on interest arbitration developments across the nation for more than ten years.

## **Collective Bargaining and Labor Relations Capabilities**

### **1. Labor Negotiations Experience**

Seyfarth Shaw's public sector lawyers have successfully negotiated hundreds of collective bargaining agreements with public sector unions here in Illinois. At any given time, the firm's public sector lawyers typically are involved in dozens of contract negotiations with law enforcement, fire protection, correctional, professional/technical, public works, teacher and support staff bargaining units. Our public sector attorneys continually monitor ongoing wage and benefit trends and innovative contract language, as well as emerging trends in union negotiating tactics and strategies and legislative developments.

Depending on the client's needs, Seyfarth Shaw attorneys act directly as spokespersons in collective bargaining negotiations or act as background advisors providing guidance on strategy, survey research, applicable legal principles, developments relating to public sector bargaining and innovative contract language. We also regularly review client bargaining contracts and offer ideas for change prior to the onset of the bargaining process.

Our attorneys authored the NPELRA book *Smarter Bargaining: Contract Language for Today's Public Negotiator*, as well as numerous other books and articles concerning public sector bargaining trends and developments. Furthermore, we serve as the editors for the Illinois Public Employer Labor Relations Association's monthly newsletter where we regularly track public sector negotiation settlements and trends.

Among the many Illinois municipalities and counties that the firm represents in collective bargaining are the following:

Addison  
Arlington Heights  
Aurora  
Barrington  
Bartlett  
Decatur  
DuPage County  
Elgin

Matteson  
Midlothian  
Montgomery  
Morton Grove  
Mundelein  
Naperville  
Normal  
Oak Brook

Elk Grove Village  
Elmhurst  
Evanston  
Glencoe  
Glen Ellyn  
Hanover Park  
Highland Park  
Hoffman Estates  
Kankakee County  
Kendall County  
LaGrange  
Lake Zurich  
Lansing  
Lincolnwood  
Lockport  
Lisle  
Livingston County  
Lombard

Oakbrook Terrace  
Park Ridge  
Peru  
Plainfield  
Pontiac  
Schaumburg  
Skokie  
South Beloit  
Springfield  
Sugar Grove  
Tinley Park  
Waukegan  
West Chicago  
Villa Park  
Warrenville  
Wilmette  
Winnetka

## **2. Contract Administration**

For virtually all of the Illinois public sector employers that we represent in collective bargaining, we also provide ongoing advice and assistance, when requested, with respect to issues of contract interpretation that arise during the term of a collective bargaining agreement. This includes advice with respect to whether the employer has the right to take a desired action under the contract, as well as assistance in responding to grievances that may be filed by a union. In addition, we advise department heads who are considering the imposition of discipline and/or who are investigating disciplinary matters, and we assist public employers in the analysis and selection of arbitrators for grievances that have been appealed to grievance arbitration. We also represent many such employers at their arbitration hearings.

Seyfarth Shaw attorneys have handled innumerable grievance arbitration cases involving both disciplinary and contract interpretation issues. As a result of our extensive representation of employers, both public and private, in grievance arbitration, we have a vast reservoir of data on individual arbitrators, as well as experience handling virtually any kind of issue that might arise under a collective bargaining agreement.

## **3. Interest Arbitration**

In order to be effective in collective bargaining, an experienced advisor must be knowledgeable concerning the interest arbitration process under Section 14 of the Illinois Public Labor Relations Act, which would be specifically applicable to the Village's police and firefighter bargaining units. Our firm has more experience preparing and presenting interest arbitration cases on behalf of public employers before third-party arbitrators in Illinois than any other firm.

Seyfarth Shaw lawyers act as advocates in fact finding and interest arbitration hearings, meticulously preparing for thorough presentations in a cost effective manner, relying on our depth of experience and resources. We do not need to "reinvent the wheel" for each client to prepare interest arbitration exhibits of the highest quality. Over the years, Seyfarth Shaw lawyers have prepared written arguments on an extensive list of economic and non economic topics that are frequently the subject of interest arbitrations, and we have been involved in numerous cases leading to published arbitration awards in Illinois as discussed below.

In addition to our practical interest arbitration experience, our attorneys authored the highly regarded book, *Surviving Police/Fire Collective Bargaining and Interest Arbitration in Illinois*, for the Illinois Fire Chiefs Foundation and The Illinois Police Chiefs Association.

In Illinois, our attorneys have participated in over 70 of the approximately 300 interest arbitration decisions which have been rendered by interest arbitrators in this state. In addition, we have prepared at least twice as many cases for presentation to a third-party arbitrator, which have subsequently been settled, frequently on the arbitrator's doorstep. Our knowledge concerning interest arbitration issues is, we believe, unmatched in the entire state.

Seyfarth Shaw attorneys keep well apprised of the backgrounds and decisions of public sector fact finders and interest arbitrators. The Firm maintains a vast array of information and reports on labor arbitrators from all across the country. After each arbitration, the Firm's lawyers submit reports on arbitrators to a centralized system, accumulating valuable intelligence to be used as a resource on behalf of our public sector clients. The Firm also keeps on file and indexes all interest arbitration decisions issued in Illinois, so that we know what interest arbitrators are awarding and why.

#### **4. ILRB Proceedings**

Literally from day one, Seyfarth Shaw public sector attorneys have been active in representing Illinois public employers in representation case and unfair labor practice case proceedings before the Illinois Labor Relations Board. Because of the many public employers that we represent throughout the State of Illinois, we are thoroughly familiar with the issues that arise in both representation cases and unfair labor practice cases. Moreover, since we believe that being proactive is clearly the best way to avoid being a respondent in an unfair labor practice case, we would be available to provide legal advice to reduce the risk of an unfair labor practice charge being filed in the first place.

Our firm was involved in the negotiation of the initial fire and police labor contracts on behalf of the Village many years ago. This included representation of the Village at the Labor Board when the public safety units were formed, as well as in negotiations, interest arbitration and grievance arbitration matters.

## 5. Day-to-Day Labor Relations Advice

If needed, Seyfarth Shaw attorneys would be available to provide timely advice by phone, e-mail, and/or in person. We fully appreciate and understand that labor related issues frequently need a quick response and the attorney(s) who would be available to assist the Village will be able to provide that quick response. Of course, the nature and scope of the issue on which a legal opinion is requested would necessarily affect the amount of time that it would take to prepare the requested legal opinion.

### Additional Services to Our Clients

Our labor and employment attorneys provide value to our clients through regular publications and a full schedule of client education programs, including the following:

**Seminars:** Traditionally, our firm has been active in hosting seminars on a variety of topics, from large, full-day overviews to shorter, focused programs thoroughly examining a particular topic of interest. Invitations to labor and employment programs and employee benefits programs are sent to all regular recipients of the Labor & Employment Law Report within the programs given geographic region. Each year we have a Public Sector Employment Law and Collective Bargaining Seminar. We also periodically offer to provide in-house seminars to our clients on a variety of labor and employment topics.

**Labor & Employment Law Report:** This quarterly newsletter informs clients of legal developments on the labor and employment front, with a particular emphasis on helpful or troublesome new precedents in court decisions.

**Management Alerts/One Minute Memos:** Because breaking events are not limited to the quarterly publishing schedule of the *Labor & Employment Law Report*, our attorneys issue periodic publications called *Management Alerts* and *One Minute Memos*, providing management personnel with timely word of important legal developments.

### Attorneys Available to Assist the Village

Any of our key public sector attorneys would be available to assist the Village of Carol Stream with collective bargaining and labor relations matters, including myself, Jim Baird, Ron Kramer, Jim Powers, Tracy Billows, and Molly Eastman. Their resumes are enclosed. In addition, we would be able to draw on the assistance of many partners, associates and paralegals to provide backup or support, as needed.

### Fee Arrangements

Our fees for professional services for public sector clients are billed on an hourly basis, plus any necessary and related out-of-pocket expenses. The current hourly rate for Jim Baird, Ron Kramer and myself is \$365, which represents a substantial discount from the hourly rates charged to

our private sector clients. The current hourly rates for associates range from \$225 to \$295 per hour. The firm's hourly rates are adjusted January 1st of each year.

**Conclusion**

Thank you again for requesting this submission. We would definitely be available and interested in representing the Village of Carol Stream with respect to labor and employment matters. If you have any questions or if you need any further information concerning the firm or our qualifications, please let me know.

Very truly yours,

SEYFARTH SHAW LLP



Robert J. Smith Jr.

RJS/gpo

## Robert J. Smith, Jr.

Chicago Office  
(312) 460-5890  
rsmith@seyfarth.com



### *Area of Practice*

Labor & Employment

### *Experience*

Mr. Smith is a partner practicing in the area of labor and employment law, including representation of public and private employers with respect to representation petitions, unfair labor practice proceedings, grievance arbitration, collective bargaining, mediation, interest arbitration and impasse resolution. Mr. Smith also represents public and private sector employers in state and federal court, as well as before administrative agencies, with respect to employment discrimination claims and civil rights actions.

Mr. Smith serves as General Counsel to the Illinois Public Employer Labor Relations Association. Mr. Smith is the Management Chair of the Interest Arbitration Subcommittee of the American Bar Association's Committee on State and Local Government Bargaining and Employment Law. He is a co-author of *Smarter Bargaining II, A Guide to Contract Language for Today's Public Negotiator* which was published by the National Public Employer Labor Relations Association. Mr. Smith regularly addresses labor and employment topics of concern to public and private employers before management groups and bar associations in Illinois and nationally, and has written several articles on emerging public sector labor and employment law issues and union organizing techniques.

### *Education*

J.D., DePaul College of Law (1981)

B.A., DePaul University, College of Liberal Arts & Sciences (1977)

### *Admissions*

Illinois

Indiana



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## ***Recent Presentations & Publications***

- "Last Chance Employment Agreements and Voluntary Separation Agreements," National Public Labor Relations Association Annual Conference (April 2008)
- "Managing Your Contract Like An Expert – Effective Contract Administration and Grievance Handling Techniques," IPELRA Annual Collective Bargaining Conference (February 2008)
- "Inside the Arbitrator's Mind, Moderator," Illinois Public Labor Relations Association Annual Conference (October 2007)
- "Effective Performance Appraisals: A Legal Perspective," Illinois Public Employer Labor Relations Association (June 2007)
- "Global Issues: Labor Relations in the 21st Century," Keynote Address, National Public Employer Labor Relations Association Annual Conference (April 2007)
- "Avian Flu and Related Disaster Planning," Illinois Public Employer Labor Relations Association Annual Conference (October 2006)
- "The Supreme Court Speaks: Garcetti v. Ceballos, Free Speech Rights of Public Employees," Co-Presenter (Management Representative), American Bar Association Section of Labor and Employment Law and the ABA Center for Continuing Legal Education (July 2006)
- "Fitness for Duty Evaluations, Legal and Practical Considerations," Nevada Public Employer Labor Relations Association Annual Conference (May 2006)
- "Impasse Contingency Planning for Public Employers," National Public Employer Labor Relations Association Annual Training Conference (March 2006)
- "Interest Arbitration Developments," Author and presenter, annual meetings of the American Bar Association Committee on State and Local Government Bargaining and Employment Law (1995-2007)
- "EEO Grievance Administration, Discipline and Due Process: Reconciling Conflicting Legal Principles and Provisions at the Workplace," National Employment Law Institute 2005 Public Sector EEO and Employment Law Conference (September 2005)
- "Employment Law Update," Author and Presenter, annual meetings of the Rocky Mountain Public Employer Labor Relations Association Conferences (2002-2007)
- "Moving from Co-Worker to Coach, Transition Strategies for New Supervisors," Illinois Public Employer Labor Relations Association (July 2005)
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- "Recent Amendments to Illinois Public Sector Labor Laws," Co-sponsored by the Illinois Municipal League, Illinois Park District Association, Township Officials of Illinois and Illinois Police Chiefs Association (March 2005)
- "Interest Arbitration Developments," Northern Alliance of Fire Protection Districts Annual Meeting (2005-2007)
- "Labor Relations Update," DuPage County Police Chiefs Association (2004-2006)
- "Winning Through Preparation: Obtaining Successful Outcomes in Arbitration," Illinois Public Employer Labor Relations Association Annual Conference (October 2004)
- "Workplace Privacy," National Employment Law Institute Annual Human Resources Conference (May 2004)
- "Negotiating EEO Grievance Provisions: Reconciling Conflicting Legal Principles and Provisions in the Workplace," National Public Employer Labor Relations Annual Conference (April 2004)
- "Police and Fire-fighter Forum," Illinois Public Sector Labor Relations Law Program, Chicago-Kent College of Law (November 2003)
- "Survival Guide to Recent Arbitration Decisions," Illinois Public Employer Annual Conference (October 2003)
- "Negotiating EEO Grievance Provisions and Addressing Contract Administration and Disciplinary Issues Faced by Public Employers," National Employment Law Institute Public Sector EEO and Employment Law Conference (Washington, D.C., September 2003)
- "Contract Language Ideas for the New Millennium," National Public Employer Labor Relations Annual Conference (April 2003)
- "Arbitrators...A Survival Guide," Co-Presenter, annual meeting of the Illinois Public Employer Labor Relations Association (October 2002)
- "FMLA, ADA and Workers Compensation Issues," Midwest Law Enforcement Executive Training, FBI Sponsored Seminar (August 2002)
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# James Baird

Chicago Office  
(312) 460-5806  
jbaird@seyfarth.com



## *Areas of Practice*

Labor & Employment  
Public Sector and Employment Law

## *Experience*

Mr. Baird's labor and employment practice is particularly focused on the representation of public and private sector clients in union representation, collective bargaining and unfair labor practice matters. He has successfully negotiated over 200 collective bargaining agreements on behalf of public, private and federal employers throughout the country. Mr. Baird is an elected Fellow in the College of Labor and Employment Lawyers, an immediate past member of the American Bar Association's Board of Governors and now serves as a Commissioner of the ABA's Commission on Racial and Ethnic Diversity.

Mr. Baird has practiced labor and employment law, representing employer clients out of his Chicago-based office since 1972. In this time, Jim has negotiated labor contracts with such unions as HERE/UNITE, the United Auto Workers, the International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the Seafarers International Union, the International Brotherhood of Carpenters, the Food and Commercial Workers Union, and the International Union of Operating Engineers; and with a number of public sector state, federal and local labor organizations.

Prior to his work in Chicago, Mr. Baird served as a Legal Assistant-Attorney Advisor to Sam Zagoria, Member, and later to Frank W. McCulloch, Chairman, National Labor Relations Board, Washington, D.C., from 1968 to 1970. As a Legal Assistant-Attorney Advisor, Mr. Baird prepared cases for NLRB consideration, researched and drafted majority decisions and dissenting opinions, and advised the NLRB on various legal issues as appropriate. From 1970 to 1972, Mr. Baird served as Assistant Director and Counsel to the Washington, D.C. based Labor-Management Relations Service of the National League of Cities, U.S. Conference of Mayors, and National Association of Counties.

In addition to his collective bargaining activities, he has advised private employers in more than 130 NLRB election situations, he has tried numerous NLRB representation and unfair labor practice cases, and has conducted many grievance arbitration hearings on behalf of management. Mr. Baird has, in addition, handled over 50 elections under the Illinois Public Labor Relations Act, tried numerous precedent-setting representation cases under that Act, and has represented employers in over 25 interest arbitration cases under the IPLRA.

Mr. Baird regularly advises private and public employers in a wide variety of labor and employment law issues. He has also advised the Federal Deposit Insurance Corporation and the U.S. Customs Service on negotiations, interest arbitration and general labor relations law matters.

In August of 2004, Mr. Baird was elected to the Board of Governors of the American Bar Association, where he served as one of the 36 Governors of the 405,000 member attorney Association. Prior to his election to the Board of Governors, Mr. Baird served as a Delegate to the ABA House of Delegates, and has held office in various ABA Sections since 1998.

Mr. Baird has also served as Management Chairman of the ABA Labor and Employment Law Section's Committee on State and Local Government Bargaining (1976-79) and was Management Chairman of that Section's Committee on State Labor Law (1975-76).

Mr. Baird served for 29 years as Labor Relations Counsel to both the National Public Employer Labor Relations Association and the Illinois Public Employer Labor Relations Association. Additionally, he has served as Chairman of the Illinois State Chamber of Commerce Labor Relations Committee (1978-80) and is a former member of the National Dispute Panel of the American Arbitration Association.

Mr. Baird has authored or co-authored the following books: *Maintaining Public Services: The NPELRA Strike Planning Manual* (NPELRA 1978); *Practical Labor Relations for Public Employers* (Colorado Municipal League 1979); *Smarter Bargaining: A Guide to Contract Language for Today's Public Negotiator* (IPELRA 1981, 1988); *Surviving Police/Fire Collective Bargaining and Interest Arbitration in Illinois* (1985); *Public Employee Privacy: A Legal and Practical Guide to Issues Affecting the Workplace* (ABA 1995); *Freedom of Speech in the Public Workplace* (ABA 1998); and *Sexual Harassment in the Public Workplace* (ABA 2001).

Mr. Baird has delivered hundreds of lectures and/or speeches on labor and employment relations throughout the country and internationally, frequently lecturing to such groups as the American Management Association, the National Employment Law Institute (he is a member of their Advisory Board), the Labor Law Institute, the Illinois State Chamber of Commerce, the International Personnel Management Association, the American Bar Association, the Practicing Law Institute, the National Institute for Employment Equity, Yale University, the California Municipal League, the Illinois Municipal League, and state/regional PELRAs in New York, Washington, Colorado, Missouri, Wisconsin, Ohio, Minnesota, Michigan, Illinois, Massachusetts, Maine, Florida, Arizona, New Mexico and Texas, as well as various other associations, law schools, private companies, colleges and universities.

### ***Education***

Master of Laws-Labor Law, George Washington Univ. School of Law, with highest honors (1970)

J.D., University of Wisconsin Law School (1968)

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B.S., Michigan State University (1965)

***Admissions***

Illinois

Wisconsin

***Affiliations***

American Bar Association (Board of Governors, 2004-2007)

National Public Employer Labor Relations Association

Illinois Public Employer Labor Relations Association

Illinois State Chamber of Commerce

Advisory Board, National Employment Law Institute

College of Labor and Employment Lawyers

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# Ronald J. Kramer

Chicago Office  
(312) 460-5560  
rkramer@seyfarth.com



## *Areas of Practice*

### Labor and Employment

Traditional Labor; ERISA/Employee Benefits Litigation; Public Sector and Employment Law; Workplace Counseling & Compliance Solutions; Labor & Employee Relations

## *Experience*

Mr. Kramer is a partner representing management in labor and employment law matters. He has been responsible for advising and representing private and public sector employers in a wide range of labor and employment issues, including but not limited to employment discrimination charges, investigations, settlements and lawsuits; employee benefits (ERISA) litigation matters including benefit claims and multiemployer withdrawal liability assessments; and traditional labor matters such as positive employee relations, union organizing drives, unfair labor practice charges, collective bargaining, strikes, interest arbitration, grievance and arbitration matters.

Mr. Kramer has served as chief negotiator in collective bargaining negotiations for numerous clients in their negotiations with unions such as the Laborers, IUOE, IBEW, UNITE HERE, Painters, IAM, Teamsters, UFCW, IAFF, AFSCME, FOP, and MAP.

## *Education*

J.D., Chicago-Kent College of Law, with high honors (1992)

B.A., Michigan State University, *magna cum laude* (1988)

## *Admissions*

Illinois

## *Courts*

U.S. Courts of Appeals for the Sixth, Seventh and Tenth Circuits

U.S. District Court for the Northern District of Illinois (Trial Bar)

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Wisconsin

### ***Affiliations***

American Bar Association Section of Labor and Employment Law

American Bar Association Section of State and Local Government Law (currently a member of Council, and Co-Chair of the Government Operations Committee)

Chicago Bar Association

Illinois State Bar Association

### ***Selected Publications***

Co-author, "Employment Discrimination Law" 40-3rd C.P.S. (BNA 2006)

Co-author, Chapter 10 "Municipal Personnel Practices," *Illinois Municipal Law* (Ill. Inst. For LE 2006)

Co-editor, *Labor and Employment Law: The Employer's Compliance Guide* (Thompson 2006)

Co-author, "Government Accounting Standards Board (GASB) Statement No. 45 Makes Public Employers Revisit Retiree Health Insurance," 37 *Urban Law* No. 3, 427 (2005)

Author, Chapter 3 "Obligations under the National Labor Relations Act." *Labor and Employment Issues in Transactions, Business Restructuring, and Workforce Reductions* (Ill. Inst. for CLE 2005)

Chapter co-editor, Chapter 10, "Postelection Procedures," *How to Take a Case Before the NLRB* (7th Ed. 2000, 2003 and 2005 Supp.)

Author, "Recent Developments in Governmental Operations and Liability - Wright or Wrong: Can Employers and Unions Waive an Employee's Right to a Judicial Forum for Statutory Claims?" 36 *Urb. Law* No. 4, 825 (2004)

Author, *The Public Safety Employer-Employee Cooperation Act: Is It Constitutional?* ABA Section of State and Local Government Law's *State and Local Law News* Vol. 26 No. 1 at p. 7 (Fall 2002)

Author, *Do You Have a Written Sexual Harassment Policy Yet?* *Illinois Association of School Administrators News and Notes* Vol. XXIV No. 5 at p. 4 (1995)

### ***Selected Speeches***

Trainer, *Interviewing and Hiring, Keeping Your Recruitment Strategies Legal*, North East Multi-Regional Training (October 2004)

Speaker, *Wright and Grievance Procedures from an Employer's Perspective*, Federal Mediation and Conciliation Service 12th National Labor-Management Conference (2004)

Trainer, *Conducting Employment Disciplinary Investigations*, Illinois Institute for Continuing Education (2003 and 2004)

Trainer, *Nice Guys Finish Last*, IPELRA 2002 Summer Training.

Panelist, *Police Forum*, 16th Annual Illinois Public Sector Labor Relations Law Program (2000)

Trainer, *Evaluation And Investigation Of Employment Termination And Related Cases*, Illinois Institute for Continuing Education (1996)

Speaker at numerous conferences regarding labor issues, including the Illinois City Managers Association Annual Conference, the Illinois Public Employer Labor Relations Association Annual Conference, the Illinois Association of Fire Chiefs Annual Conference, the Metropolitan Fire Chiefs Association Annual Symposium, and the Illinois Association of Chiefs of Police Annual Conference.

### ***Selected ERISA Cases***

*Pronti v. CNA Financial Corp.*, 34 EBC 1691 (N.D. NY 2005) (dismissing fiduciary duty and contract counts of complaint)

*McCoy v. Meridian Automotive Systems*, 390 F.3d 417 (6th Cir. 2004) (upholding preliminary injunction against employer in elimination of retiree benefits matter)

*Vallone v. CNA Financial*, 375 F.3d 623 (7th Cir. 2004) (affirming dismissal of ERISA complaint alleging wrongful elimination of retiree health insurance benefits)

*Samman v. The Continental Insurance Company*, Case No. CIV-2001-1058A (W.D. OK 2002) (dismissal of claim by disabled employee for health insurance benefits)

*Parrott v. GE*, 99 C 8429 (N.D. IL 2000) (upholding denial of disability benefits)

*CTDU Pension Fund and CenTra*, (2000, Jaffe, Arb.) (withdrawal liability arbitration)



### ***Selected Labor Cases***

- Village of Wilmette*, 20 PERI ¶ 131 (ILRB ALJ 2004) (dismissal of alleged unilateral change to health insurance)
- Village of Bensenville*, S-CA-00-197 (ILRB 2003) (dismissal of alleged discriminatory discharge of eight officers)
- Tootsie Roll Indus.*, 13 UC 361 (NLRB H.O. 2001) (supervisor excluded from unit)
- City of Streator*, 18 PERI ¶ 2005 (ILRB ALJ 2001) (exclusion of confidential employees in representation petition)
- Village of Lombard*, 15 PERI ¶ 2007 (ILRB Ex. Dir. 1999) (declaratory ruling regarding whether overtime and paramedic decertification were mandatory)
- Howmet Corp. and I.A.M.A.W., Dist. 15*, 22-RC-11371 (NLRB ALJ 1997) (representation hearing regarding unit appropriateness and team leader status)
- Village of Schiller Park*, 13 PERI ¶ 2047 (ISLRB 1997) (dismissal of discriminatory reduction in force allegation)
- Walker Manufacturing v. UAW*, Case No. C2 93 0394 (S.D. Ohio 1993) (LMRA Section 301 suit successfully overturning an arbitration award)

### ***Selected Arbitration Cases***

- Kelly-Springfield Tire Co. (Freeport) and USWA Local 745*, (2006, Symonette, Arb.) (denying seniority calculation grievance)
- Village of Channahon and MAP*, (2005, Goldstein, Arb.) (denying travel time pay grievance)
- City of Evanston and AFSCME*, (2005, Krinsky, Arb.) (denying holiday standby pay grievance)
- Goodyear and Local No. 7, Nat'l Conf. Firemen And Oilers*, (2002, Wolff, Arb.) (wage reopener interest arbitration)
- Addison and Metropolitan Alliance of Police* (2004, Cox, Arb.) (sustaining denial of pay increase of unsatisfactory police officer)
- Comcast and IBEW*, (2004, Heinsz, Arb) (sustaining discharge of employees for time card falsification)
- Comcast and IBEW*, (2003, Anderson, Arb.) (sustaining discharge for falsification)

*City of Elmhurst and AFSCME*, (2002, Berman, Arb.) (denying shift starting times grievance)

*City of Elmhurst and AFSCME*, (2002, Benn, Arb.) (denying vacation pay grievance)

*Tootsie Roll Indus. and BCTGM*, (2001, Symonette) (denying overtime grievance)

*Morton Int'l and OCAW*, (1998, Carey, Arb.) (sustaining suspension)

### ***Selected Other Cases***

*Carter v. Meridian Automotive Systems, Inc.*, Case No. 03-2208 (D. Kan. 2004) (summary judgment in racial harassment, ADEA and FMLA case)

*Navarro v. United States*, Case No. 01C3249 (N.D. Ill. 2003) (federal tort claim verdict of \$350,000 in favor of client)

*Carl v. Parmely & City of Metropolis*, Case No. 99-4162 (S.D. Ill. 2001) (summary judgment in sexual harassment case)

*Hutchinson v. AAR*, 2000 U.S. App. Lexis 27164 (6th Cir. 2000) (summary judgment and successful on appeal in multi-plaintiff age and sex discrimination case under Michigan civil rights law)

*Kusak v. Ameritech*, 80 F.3d 199 (7th Cir. 1996) (reversal of jury verdict in age discrimination case)

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# James J. Powers

Chicago Office  
(312) 460-5918  
jjpowers@seyfarth.com



## *Area of Practice*

Labor & Employment

## *Experience*

Mr. Powers is of counsel, concentrating his practice in labor and employment law, with an emphasis in public sector labor law. Mr. Powers' practice includes representing management in the litigation of federal and state employment discrimination charges and investigations. He has also counseled both public and private employers in connection with individual and group employee separation agreements and plans. His labor relations experience includes representing employers in proceedings before the National Labor Relations Board, Illinois Educational Labor Relations Board and Illinois Labor Relations Board. He also represents employers in grievance and interest arbitration proceedings, union organizing campaigns, and disciplinary proceedings before boards of fire and police commissioners. He has served as chief negotiator in collective bargaining negotiations for a number of employers with unions such as the Teamsters, International Union of Operating Engineers, Laborers International Union, AFSCME and the Fraternal Order of Police. Mr. Powers is active with the Illinois Public Employer Labor Relations Association, and serves as a co-editor of the Association's monthly newsletter.

Prior to law school, Mr. Powers worked as an Inspector with the U.S. Customs Service and the U.S. Department of Transportation, Office of Inspector General.

## *Education*

J.D., Chicago-Kent College of Law, High Honors (1998)  
Order of the Coif & Valedictorian

B.A., Northwestern University, With Distinction (1992)

## *Admissions*

Illinois

## *Courts*

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of Indiana

## *Affiliations*

American Bar Association

Illinois State Bar Association

*Phi Beta Kappa*

## *Representative Cases*

*County of Du Page v. Ill. Labor Relations Bd.*, 375 Ill. App. 3d 765 (2d Dist. 2007). Successfully argued that one of the Illinois Labor Relations Board's permanent card check regulations was invalid.

*Board of Trustees of the Univ. of Ill. v. Ill. Educ. Labor Relations Bd.*, Case No. 4-05-0722 (4th Dist. 2006). On appeal, achieved reversal of decision by Illinois Educational Labor Relations Board that discipline was motivated by illegal animus.

*Board of Trustees of the Univ. of Ill.*, 22 PERI ¶ 110 (IELRB ALJ 2006) – achieved dismissal of multi-count unfair labor practice complaint alleging discrimination and retaliation.

*County of Du Page v. Ill. Labor Relations Bd.*, 358 Ill. App. 3d 174 (2nd Dist. 2005) – successfully argued that Labor Board's emergency "card check" rules were invalidly promulgated.

*County of DuPage v. Ill. Labor Relations Bd.*, 359 Ill. App. 3d 577 (2nd Dist. 2005) – successfully secured attorneys' fee award of over \$62,000 for invalidating Labor Board's emergency "card check" rules.

*Hull v. Paige Temporary, Inc.*, Case No. 04 C 5129 (N.D. Ill. 2005) – achieved summary judgment in ADEA/breach of employment contract case.

*City of Aurora*, 20 PERI ¶ 77 (ILRB 2004) -- successfully defended against ULP *Weingarten* charge before both an ALJ and the full Illinois Labor Relations Board.

*Cady v. Miss Paige, Ltd.*, Case No. 02 C 4867 (N.D. Ill. 2004) -- achieved summary judgment in ADEA failure-to-hire case.

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*AFSCME Council 31 v. Ill. State Labor Relations Bd. & Office of State Appellate Defender*, 333 Ill. App. 3d 177 (5th Dist. 2002) – successfully defended on appeal Labor Board's decision that assistant state appellate defenders were "managerial employees" as a matter of law, and therefore not entitled to collective bargaining rights.

*Villarreal v. Village of Schaumburg*, 325 Ill. App. 3d 1157 (1st Dist. 2001) -- successfully defended one of the first health insurance claims filed in Illinois under the Public Safety Employee Benefits Act ("PSEBA").

### ***Publications***

Coauthor, "Employer Liability for Workplace Violence," *Preventing and Managing Workplace Violence - Legal and Strategic Guidelines* (forthcoming 2008)

Coauthor, "Public Sector Employment Law," *IICLE EMPLOYMENT DISCRIMINATION* (2007)

Coauthor, "Municipal Personnel Practices," Vol. 1 *IICLE ILLINOIS MUNICIPAL LAW SERIES* (2006)

Coauthor, "Constitutional And Practical Pitfalls Of A Federally-Mandated Public Sector Collective Bargaining System," 24 *Journal of Labor Research* 621 (2003)

Coauthor, "States As Defendants in Employment Litigation: Beyond *Alden v. Maine*," 88 *Illinois Bar Journal* 280 (2000)

Note, "'Partnership Buster' in the Federal Government: The Relationship Between 5 U.S.C. § 7106 (a) and (b)(1)," 72 *Chi.-Kent Law Review* 837 (1997)

# Tracy M. Billows

Chicago Office  
(312) 460-5603  
tbillows@seyfarth.com



## *Areas of Practice*

### Labor & Employment

Workplace Counseling & Compliance Solutions; Labor & Employee Relations;  
Complex Discrimination Litigation

## *Experience*

Ms. Billows is an associate in the Chicago office of Seyfarth Shaw LLP. She is a member of the Labor & Employment Department concentrating her practice on representing and counseling employers in a variety of areas of labor and employment law. Ms. Billows represents employers in single plaintiff, multi-plaintiff, and class action litigation matters related to employment discrimination claims under Title VII, the Age Discrimination in Employment Act (ADEA), and similar state discrimination laws. She also represents management in matters arising under the National Labor Relations Act (NLRA) and the Labor Management Relations Act (LMRA).

Ms. Billows brings a unique perspective to her clients. Prior to her legal career, she was a human resources executive in the corporate community. With first-hand knowledge of the challenges faced by her clients, Ms. Billows is able to advise them in all areas of labor and employment law including employment policies and employee handbooks, training programs, and the application of federal, state and local employment laws, and various other compliance issues. This experience allows Ms. Billows to take a proactive approach to her clients' labor and employment issues.

## *Education*

J.D., Chicago-Kent College of Law, with honors (2001)  
Certificate in Labor and Employment Law

M.S., Loyola University (1997)

B.A., DePaul University (1995)

## *Admissions*

Illinois

### ***Affiliations***

American Bar Association (Member, Practice and Procedure Under the NLRA Subcommittee)

Illinois State Bar Association

Society for Human Resource Management (Member)

### ***Publications***

Former Contributing Editor, *The Developing Labor Law*

Former Assistant to the Editor-in-Chief, *How to Take a Case Before the NLRB*, published by BNA

Contributor, "New Approaches to Compensation for Teachers," *Illinois Public Employees Relations Report*, Volume 18, Number 1 (Winter 2001)

### ***Presentations***

Presenter, "Payroll Basics in Illinois," Lorman Education Services (August 2003)

Presenter, "Employee Discharge and Documentation in Illinois," Lorman Education Services (December 2002)

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# Molly Eastman

Chicago Office  
(312) 460-5960  
meastman@seyfarth.com



## *Areas of Practice*

Labor & Employment  
ERISA/Employee Benefits Litigation

## *Experience*

Ms. Eastman is an associate in the Labor and Employment Department of Seyfarth Shaw LLP. She actively provides labor relations advice to clients in the hospitality, media, entertainment, health care, manufacturing, public sector, and transportation industries. Ms. Eastman's labor relations experience includes representing employers before the National Labor Relations Board, Illinois Labor Relations Board, and federal district courts. She also represents employers in grievance arbitration proceedings, union organizing campaigns, collective bargaining agreement negotiations, and multi-employer benefit fund matters.

In addition, Ms. Eastman's practice includes representing management in the litigation of employee benefits claims brought under ERISA and the litigation of employment discrimination charges brought under federal and state law. She also has experience representing management and executive-level employees in disputes related to restrictive covenants and trade secrets.

## *Education*

J.D., Washington University (2004)  
Managing Editor, *Washington University Journal of Law & Policy*

B.A. (Economics), B.M. (Brass Performance), Boston University, *summa cum laude* (2001)  
Departmental Honors in Economics, Phi Beta Kappa

## *Admissions*

Illinois

Court of Appeals, D.C. Circuit



***Affiliations***

American Bar Association

Chicago Bar Association

***Publications***


"Multiemployer Pension Plan Audits: Strategies for Employers During Heightened Auditing Activity,"  
*Benefits Law Journal*, Vol. 20, No. 2

"Orchestrating an Exclusion of Professional Workers from the NLRA: Has the Supreme Court  
Endangered Symphony Orchestra Musicians' Collective Bargaining Rights?" *Washington  
University Journal of Law & Policy*, Vol. 15

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*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joe Breinig, Village Manager

**FROM:** John A. Turner, Director of Public Works 

**DATE:** October 1, 2008

**RE:** Staff Recommends Award of Roof Replacements Based Upon a Bid Opening of September 30<sup>th</sup> to Anthony Roofing of Aurora, Illinois, in the Amount of \$50,635

On September 30<sup>th</sup>, bids were opened at the Public Works Center for the replacement of the roofing structure of Well #4 and for the gasoline canopy. Both of these roof replacements were designed by Industrial Roofing Services for us as a result of a comprehensive roofing analysis of all of the Public Works Department's facilities roofs, completed in 2007.

The following bids were received:

National Roofing.....	\$38,200
Anthony Roofing.....	\$50,635
Riddiford Roofing.....	\$61,791
F & G Roofing.....	\$65,052

The apparent low bidder, National Roofing Corporation, did not provide the required 5% bid bond along with their bid and did not enclose a list of subcontractors as required by the bid package instructions. It is, therefore, recommended that that bid be rejected and that the bid be awarded to the next low bidder, Anthony Roofing, of Aurora, Illinois, in the amount of \$50,635.


The bid award is substantially above our consultant's estimate of \$28,500, which was also the amount budgeted for this work. It is believed that the three considered bids are responsible and reflect the value of the work in today's economy. A transfer from other maintenance accounts will be recommended at completion of the work.

JAT:lm

**AGENDA ITEM**

6-5 10-6-08

*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joe Breinig, Village Manager  
**FROM:** John A. Turner, Director of Public Works   
**DATE:** October 6, 2008  
**RE:** Road Salt Award - Cargill, Inc., Salt Division

For numerous years, the Village of Carol Stream has been participating in the State of Illinois Joint Purchase of roadway salt. We have just received notification that our joint purchasing requisition for 2008-2009 has been awarded to Cargill, Inc., Salt Division, of North Olmstead, Ohio, at the unit cost of \$60.78 per ton.

This is a cost increase of 51% over last year's unit cost of \$40.15 per ton. According to the Illinois Department of Central Management Services, "Supply, demand and logistical factors have adversely affected the resultant availability and price offering for certain locations throughout the State of Illinois, as well as surrounding states"; and although this cost increase is substantial, we have heard that other joint purchasing areas have received even higher unit costs or did not receive a joint bid at all.

It is unlikely that the Village would be able to secure a bid cost any lower and might run the risk of not being able to find sufficient quantities of salt if we were to reject the joint bidding and proceed to look for securing salt on our own. It is, therefore, my recommendation that we join the state purchase of this item by awarding the state salt purchase to Cargill, Inc., Salt Division, at a unit cost of \$60.78 per ton.

We had requisitioned for 4,000 tons of salt for the forthcoming winter, which - under the requirements of the agreement - would require us to purchase at least 70% (2,800 tons). This would represent a minimum expenditure of \$170,184. The cost to purchase our requested amount of 4,000 tons would be \$243,120. Based upon past experience, we had budgeted \$132,090 for salt purchasing this budget year. A budget amendment in the amount of \$111,030 is requested to provide sufficient funds to purchase our total 4,000 ton requisition, should it be necessary, based upon wintertime conditions.

JAT:lm  
att.



September 08, 2008

Dear Joint Purchasing Participant:

Subject: 2008-2009 Rock Salt Contract Information

The 2008 – 2009 Rock Salt season contract procurement incurred unprecedented issues that significantly impact many areas of the State. Supply, demand, and logistical factors have adversely affected the resultant availability and price offering for certain locations throughout the State of Illinois, as well as other surrounding states. We have made every effort to secure Road Salt at the best available price for participants in our contract re-procurement, but some responses were not as we hoped. Some price offerings are higher than desired but must be accepted to ensure product availability as they were the best or only offer received. Therefore we recommend that participating agencies examine their application rates and roadway priorities in order to reduce next season's cost while also ensuring the safety of the public.

Enclosed is a copy of the requisition you submitted to us for the purchase of rock salt. The information from the requisition can be used to submit your requirements to this year's contract vendor:

Contract: PSD 4015379  
FEIN: 41-0177680  
Cargill Incorporated Salt Division  
24950 Country Club Blvd., # 450  
North Olmsted, OH 44070  
Phone (800) 600-7258  
Contract Name: Brett Miller

The contract price per ton, F.O.B. destination, is \$ <sup>60.78</sup> . . . . Emergency pickup of salt option at vendor's warehouse is not being made available under this season's contract.

The additional price per ton to have rock salt delivered in trucks equipped with coal/grain chute openings in the tailgate to permit controlled off-loading of rock salt onto conveyors is \$20.00 per ton.

You are responsible for issuing your own purchase order document to the vendor. Orders may be placed with the vendor via telephone, with a written or fax confirmation to follow immediately. *You are strongly encouraged to order early and to store as much salt as possible in order to help prevent potential salt shortages this winter.* Also, you need to make every effort to place orders in full truckload lots (20-22 tons).



# ILLINOIS

## JOINT PURCHASING REQUISITION

PLEASE RETURN TO:

Illinois Department of  
Central Management Services  
801 Wm. G. Stratton Building  
401 S. Spring Street  
Springfield, IL 62706  
Fax: (217) 782-5187

Joint Purchasing #:  L0880-0880

Government Unit: Village of Carol Stream Public Works Department

Mailing Address: 124 Gerzevske Lane

City / State / Zip: Carol Stream, IL 60188

County: DuPage

Contact Person: John A. Turner, Director of Public Works

Telephone Number: (630) 871-6260

Fax Number: (630) 462-3650

Date: April 14, 2008

Delivery Point

164

Carol Stream Salt Inv

312-98

ITEM DESCRIPTION	QUANTITY	UNIT MEASURE	AMOUNT BUDGETED
<u>AASHTO Specification M143 Road Salt</u>	<u>(Total Tonnage)</u>	<u>( 20 - 22 Ton / Truck )</u>	<u>( Local Governmental Use )</u>
Rock Salt, Bulk	4,000	Tons	\$132,900

DEPARTMENT OF CMS  
BUREAU OF STRATEGIC  
SOURCING & PROCUREMENT  
APR 17 8:11

I certify that funds are available for the purchase of the items on this Requisition and that such items are for the sole use of this government unit and not for the personal use of any official or individual.

In addition, I agree to abide by the Joint Purchasing Procedure established by the Department of Central Management Services.

  
SIGNATURE OF AUTHORIZED OFFICIAL OR AGENT

DIRECTOR PUBLIC WORKS  
TITLE

# AGENDA ITEM

6-6 10-6-08

## VILLAGE OF CAROL STREAM INTER-DEPARTMENTAL MEMO

TO: Robert Mellor, Assistant Village Manager  
FROM: Marc Talavera, Information Services Coordinator  
DATE: September 25, 2008  
RE: Thin Client Server Equipment Purchase

Included in the current fiscal year budget are funds to purchase 35 desktop computers to replace the older desktop equipment. On August 1st 2008, the Board agreed to pursue thin client technology as an alternative to the traditional desktop computers.

Since that time I have evaluated and worked with multiple vendors to find the best pricing for the required equipment. Although we are going to replace 35 computers total this year, I recommend taking a modular approach to the implementation and not purchase all of the equipment at once. To that point, the first stage will consist of the installation and configuration of the server, storage, software and 10 terminals. The second stage would be completing the installation and configuration of the remaining 25 thin clients. The second stage would begin at the completion of stage one.

The server and storage is essentially sole source. The equipment required would be manufactured by Dell and would be completely compatible with our existing infrastructure. Although there are other vendors who sell Dell equipment, I have found that purchasing directly from Dell offers the best pricing. All Dell equipment has been quoted using the State Awarded Dell Contract N39913562

Below is a listing of the prices:

### WYSE V10 Terminals Comparison

Dell	PC Mall Gov	CDW-G
\$360.00 (10) \$3,600.00	\$385.39 (10) \$3,853.90	\$400.79 (10) \$4,007.90

### Monitor Comparison

Dell	PC Mall Gov 7372085	CDW-G 1329948
\$193.00ea (10) \$1930.00	\$211.00ea (10) \$2,110.00	\$206.92ea (10) \$2060.92

### Server and Storage Equipment (Sole Source)

Dell	
PowerVault MD300i	13,611.11
Dell PowerEdge 2950	4,461.59

There are sufficient funds in the budget to pay for these expenditures. I will, of course, be happy to answer any questions you might have. It is recommended that the purchase for the above computer equipment be awarded to Dell in the collective sum of \$23,602.70

G-7 10-6-08**Village of Carol Stream****INTER-DEPARTMENTAL MEMO****TO:** Mayor & Trustees

Rjm

**FROM:** Robert Mellor, Assistant Village Manager**DATE:** October 2, 2008**RE:** 50<sup>th</sup> Anniversary Celebration

At the August 18 workshop the Village Board discussed different types of events which could be held to commemorate the Village's 50<sup>th</sup> anniversary of incorporation. Summarized below are the events discussed at the workshop along with a proposed schedule and budget:

**Miscellaneous Activities**

<b>Event</b>	<b>Schedule</b>	<b>Budget</b>
Rebroadcast of original NBC <i>Out on the Farm</i> telecast at Landmeier Farm in Carol Stream	October 7, 2008 @ 7:00 p.m. & various times thereafter	\$375 Videographer
Winter Newsletter - 4-page section dedicated to pictorial history of the Village	November 2008	\$5,800 16,000 mailings
Recognize 50 <sup>th</sup> anniversary logo artist	December 15, 2008	N/C
Celebrate official canvassing of vote to incorporate and proclaim January 4, 1959 Founder's Day	January 5, 2009	N/C
Commission 50 <sup>th</sup> anniversary commemorative coin	January 2009	\$3,500
Incorporate anniversary logo onto the 2009 Vehicle Sticker	January 2009	No additional charge
Commission commemorative license plate for use during specified period during anniversary year	February 2009	\$2,000 for 50 plates (-profit)
Install anniversary street banners along Lies, Kuhn, Town Center & Village Hall Parking Lot	March 2009	\$6,000
Interview Ms. Carol Stream - Document recollections of Village/message congratulating Village on 50 <sup>th</sup> anniversary	May 2009	\$650
Original entrance to Carol Stream enhancement - Gary Av. & Thunderbird Tr.	June 2009	TBD

### Town Center Events

Event	Schedule	Budget
4-Day Summer in the Center – Increase carnival to 5-days (Wednesday-Sunday)	June 3-7, 2009	No additional charge
Designate one day to commemorate 50 <sup>th</sup> anniversary with fireworks, cookies, recognition of original residents, etc.	June 3-7, 2009	TBD
Check availability and cost of 1950's musical act such as Frankie Avalon for Summer in the Center	June 3-7, 2009	TBD
Music Through the Ages -- Thursday night concerts tied to popular music from each decade (1950 – 2000)	June 11, 18, 25 July 9, 16, 23, 30 August 6, 13, 20, 27	No additional charge beyond current expends.
Invite surviving members of 1959 world series White Sox team to Town Center event to sign Autographs (Luis Apparicio, Billy Pierce, etc.)	June 6, 2009	TBD
Enhanced Independence Day fireworks display	July 4, 2009	\$5,000 beyond current expense

Several of the low cost items such as the 50<sup>th</sup> anniversary logo activities and the rebroadcast of the original NBC *Out on the Farm* telecast at the Landmeier Farm are already in production. Other activities have little or no cost or can be offset by revenues received from the activity or sales of merchandise.

Because other matters became a priority over the last several weeks some of the event costs were not able to be determined at this time. The purpose of this report is to provide the Board an update on the projects discussed at the workshop and determine whether these activities should continue to be pursued. I will provide the "To Be Determined" costs for those activities identified above shortly.

Cc: Joseph E. Breinig, Village Manager



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
THE VILLAGE OF CAROL STREAM  
(ZONING AND SUBDIVISION CODES  
ABOVE GROUND UTILITY STRUCTURES)**

BE IT HEREBY ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That Chapter 7, Article 1, Section 7 of the Carol Stream Subdivision Code pertaining to Definitions is hereby amended as follows:

**§ 7-1-7 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BROADBAND TELECOMMUNICATIONS. The provision of the ability to transmit voice, data, text, sound or video programming. A broadband telecommunications utility is any entity engaged in operating, maintaining, and/or providing a broadband telecommunications network to subscribers for a fee, and may be operated via an open and/or closed transmission path. A telecommunications utility may be based on a single technology or a combination of technologies.

~~DIRECTOR OF BUILDING AND ZONING.~~ The Director of Building and Zoning of the Village of Carol Stream, Illinois, or his or her duly authorized representative.

~~PARKWAY.~~ A route intended to be used primarily by passenger vehicles and whose right of way is or is intended to be developed in a park-like character. Any portion of the right-of-way not improved by street, sidewalk, trail, path or driveway apron.

~~PLAN COMMISSION.~~ Refers to the Plan Commission of the Village of Carol Stream, Illinois.

~~PLANNED DEVELOPMENT.~~ A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development where specific

~~regulations of a given zoning district are modified through the issuance of a special use permit.~~

~~RIGHT-OF-WAY WIDTH. The shortest distance between lines of lots delineating the public street.~~

~~STREET WIDTH. The shortest distance between lines of lots delineating the public street.~~

~~VILLAGE. The Village of Carol Stream, Illinois.~~

~~VILLAGE ATTORNEY. The attorney or special counsel of the Village of Carol Stream, Illinois.~~

~~VILLAGE CLERK. The Village Clerk of the Village of Carol Stream, Illinois.~~

~~VILLAGE ENGINEER. A professional engineer, registered in the State of Illinois, who is duly serving as Village Engineer of the Village of Carol Stream, Illinois.~~

~~VILLAGE MANAGER. The Manager of the Village of Carol Stream, Illinois.~~

~~VILLAGE PLANNER. A professional planner who is duly serving as Village Planner of the Village of Carol Stream, Illinois.~~

SECTION 2: That Chapter 7, Article 2, Section 4 of the Carol Stream Subdivision Code pertaining to Preliminary Plans, is hereby amended as follows:

**§ 7-2-4 DRAWINGS AND DATA FOR APPROVAL OF PRELIMINARY PLANS.**

(C) *Design features.* Subdivision design features shall be as follows:

(5) *Location of utilities.* Including water distribution systems, sanitary sewer, storm sewer, broadband telecommunications, electric and gas, if If not shown on other exhibits.

SECTION 3: That Chapter 7, Article 3, Section 16 of the Carol Stream Zoning Code pertaining to Utilities, is hereby amended as follows:

**§ 7-3-16 UTILITIES; BROADBAND TELECOMMUNICATIONS, TELEPHONE, ELECTRIC AND GAS.**

(A) All utility distribution lines for broadband telecommunications, telephone, television, electric, and gas service in the subdivision shall be placed underground entirely throughout a subdivided area. Installation Subject to the foregoing requirement to place utility distribution line underground, installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the state Commerce Commission now or hereafter effective, and the subdivider shall be responsible for compliance with rules and regulations now and hereafter effective and filed with the Commission pursuant to the state Public Utilities Act, or any public utility whose service will be required for the subdivision with respect to the provision of such facilities.

(B) Underground broadband telecommunications, telephone, electric and gas service facilities shall be placed within rights-of-way or easements or dedicated public ways in a manner which will not conflict with other existing or future underground services. Further, all Above-Ground Service facilities, as defined in §18-8-1, transformer boxes shall be located to minimize the adverse aesthetic impact on the environment and create no hazard so as not to be unsightly or hazardous to the public. The utility lines shall be parallel to and not less than 12 inches from the property lines. Corner markers as required in this code shall not be disturbed by the installation of utility lines shall be reset by a licensed land surveyor. See §16-5-7 of the Village Zoning Code for further regulations regarding the permitted location of above-ground utility facilities.

...

SECTION 4: That a new Chapter 16, Article 5, Section 7 of the Carol Stream Zoning Code pertaining to Above Ground Service Facilities, is hereby added as follows:

**§ 16-5-7 ABOVE-GROUND SERVICE FACILITIES**

(A) Purpose. The purpose of this Section is to establish general guidelines for the construction and placement of above-ground service facilities ("Service Facility" or "Service Facilities"), as defined herein, in the Village of Carol Stream. The goals of this Section are to encourage the location of Service Facilities in non-residential areas; to minimize the total number of Service Facilities throughout the community; to encourage users of Service Facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; to encourage users of Service Facilities to configure them in a manner that minimizes the adverse visual impact; and to enhance the ability of the providers of services

to provide such services to the community quickly, efficiently and effectively.

(B) *Applicability.* No Service Facility shall be erected or installed except in compliance with the provisions of this Section. Service Facilities located on property owned, leased or otherwise controlled by the Village of Carol Stream shall be exempt from the requirements of this Section, provided a lease, license or franchise agreement authorizing such Service Facilities has been approved by the Village Board. Where conflicts exist between this Section and the remainder of the Carol Stream Zoning Code, the provisions of this Section shall govern.

(C) *General definitions, guidelines and performance standards.*

(1) *Definitions.* As used in this Section and unless the context clearly requires otherwise, the terms *Above-Ground Service Facility* and *Service Entity* shall have the meaning ascribed to them in §16-18-1.

(2) *Additional use permitted on lot.* For purposes of determining whether the installation of a Service Facility complies with district bulk regulations, including but not limited to setback and lot requirements, the dimensions of the entire zoning lot shall control, even though the Service Facility may be located on leased property within such zoning lot.

(3) *Number of Service Facilities.* Only one Service Facility per Service Entity shall be located on any zoning lot.

(4) *Sound, Lighting, Color and Appearance.* No visible or audible signals or lights or illumination shall be permitted on a Service Facility. Service Facilities shall be of earth-tone colors and be maintained in good condition, including but not limited to being free of peeling paint and graffiti, and shall be maintained as level.

(5) *Signage.* No advertising shall be allowed on any Service Facility, other than a plaque no larger than four inches by six inches identifying the Service Entity, which shall be required.

(6) *Compatibility with Structure.* When included as part of an existing building or structure, the Service Facility shall be of a material and color, or shall be screened using building materials of a material and color, which substantially match the exterior of the building or structure, and shall be located or screened in an aesthetically acceptable manner so as not to be visible from a vantage point of six feet high at the property lines of adjacent properties and adjacent rights-of-way. The Community

Development Director shall determine whether the material and color of a Service Facility mounted on a building, structure or rooftop matches the building, structure or rooftop and is screened from adjacent rights-of-way and properties.

(7) *Abandonment.* In the event the use of any Service Facility has been discontinued for a period of 180 consecutive days, the Service Facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Community Development Director ("Director"), who shall have the right to request documentation and/or affidavits from the Service Entity regarding the determination of the Service Facility's term of use. Upon the Director's determination and written notification to the Service Entity of such abandonment, the Service Entity shall have an additional ninety days with which to either: reactivate the actual use of the Service Facility, transfer the Service Facility to another Service Entity which makes actual use of the Service Facility, or dismantle and remove the Service Facility and notify the Director in writing of the completion of such removal. At the earlier date of either 270 days from the date of discontinuance without reactivation or completion of dismantling and removal, any special use permit and/or zoning variation approval for the Service Facility shall automatically expire without further action by the Director.

(8) *Equipment and Non-Interference.* Mobile or immobile equipment not used in direct support of a Service Facility shall not be stored or parked on the site of a Service Facility unless and while repairs to such facility are being made. Backup generators shall only be operated during power outages and for testing and maintenance purposes, and shall not be placed onsite except when in use or where integrated within the Service Facility's cabinet. Noise attenuation measures shall be included to reduce noise levels to satisfy applicable state and Village performance standards. Testing and maintenance of generators shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. Service Facilities shall not physically interfere with access to existing structures or utilities

(9) *Substantial written evidence of denial.* In the course of reviewing any request for approval required under this Section, the Combined Board or the Village Board, as the case may be, shall act within a reasonable period of time after the request is duly filed, taking into account the nature and scope of the request.

(10) *Petition for amendment.* Should the application of this Section have the effect of prohibiting a person or entity from providing services to all or a portion of the Village of Carol Stream, such provider may petition for a variation from this Section in the manner described in §16-15-6.

(11) Nonconformities. Any Service Facility installed and operating prior to enactment of the Illinois Cable and Video Competition Law of 2007 (220 ILCS 5/21-100 et. Seq.), which would be otherwise prohibited by or subject to this Section, shall be considered a lawful, existing, non-conforming use and/or structure, as the case may be, and shall be subject to the rules on existing Nonconforming Lots, Buildings, Structures and Uses provided in Article 14 of the Carol Stream Zoning Code.

(12) Independent technical expert. The Community Development Director is explicitly authorized to employ on behalf of the Village an independent technical expert to review any technical materials submitted by the Service Entity or by other participants submitting an application or petition, including, but not limited to, those materials required under this Section. The applicant or petitioner shall pay all reasonable costs of said review, including any administrative costs incurred by the Village. Hourly rates charged by the independent technical expert shall not exceed those hourly rates customarily charged by similar technical experts within the engineering profession. Any confidential, proprietary or other such information exempted from disclosure by the Illinois Freedom of Information Act and disclosed to the Village or the expert hired shall remain confidential and exempted from public disclosure in accordance with the Illinois Freedom of Information Act.

(D) Administrative Approvals.

(1) General.

(a) The Community Development Director may administratively approve the uses listed in §16-5-7(D)(2) – Specific administratively-approved uses. Nevertheless, all such uses shall comply with §16-5-7(C) – General definitions, guidelines and performance standards, and all other applicable ordinances. Above-ground service facilities are subject to the bulk regulations of the Carol Stream Zoning Code and are subject to the regulations of the Carol Stream Building Codes.

(b) Each applicant for administrative approval shall apply to the Community Development Director for a building permit, which application shall include: a plat of survey, engineering plans, site plans, electrical plans, landscape plans, structure elevations, and other documents and plans as may be deemed necessary. Said plans and documents shall provide the information set forth in §16-5-7(F)(2) and §16-5-7(F)(3).

(c) The Community Development Department shall respond to each such application, resubmission or supplemental application within forty-five days after receiving it

by either approving the application, approving it with conditions, denying it, describing the additional information necessary to consider the application complete, or requesting additional information to determine whether the application complies with this Chapter. If the Community Development Department fails to respond to the applicant within said thirty days, or such additional time as is reasonably necessary to obtain the additional information from the applicant and review it, then the application shall be deemed to be denied.

(d) If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the Carol Stream Zoning Code concerning appeals of administrative decisions.

(e) The Community Development Director may refer an application for administrative approval, that otherwise meets the standards contained herein, to be considered and approved as required by §16-5-7(F) if the Community Development Director determines in writing that the public interest would be furthered by requiring a Special Use Permit to construct the Service Facility in question.

(2) Specific administratively-approved uses. The following uses shall be approved by the Community Development Department after conducting an administrative review unless the Community Development Director concludes that the public interest would be furthered by requiring a special use permit in conformance with §16-5-7(D)(1)(e).

(a) Service Facilities installed within the rear yard in any zoning district, provided the Service Facility is set back three feet from the side property line and five feet from the rear property line, and further provided:

(1) A Service Facility shall not be located within a 250-foot radius from any existing or approved Service Facility.

(2) The separation requirement of §16-5-7(D)(2)(a)(1) may be waived by the Community Development Director for the I Industrial District, the B-2 General Retail District, the B-3 Service District and the B-4 Office, Research and Institutional Business District, provided that the applicant establishes:

(a) No other site or current technology could be used to provide intended services to the residents of the Village; and

(b) A denial of a permit for the proposed site would create a gap in providing intended services to the residents of the Village.

(3) A Service Facility shall be landscaped with an evergreen and/or deciduous hedge equal in height at the time of planting to the Service Facility, and installed and maintained in accordance with §16-5-7(F)(3).

(4) If one or more of the foregoing factors do not exist, the Community Development Director shall inform the applicant that it may request a Special Use Permit in conformance with §16-5-7(F).

(b) Service Facilities installed within the interior side yard in any nonresidential zoning district and in any residential zoning lot that maintains a nonresidential principal use and/or structure (school, park, or church), and further provided:

(1) The Service Facility is set back three feet from the side property line.

(2) A Service Facility shall not be located within a 250-foot radius of any existing or approved Service Facility.

(3) A Service Facility shall be landscaped with an evergreen and/or deciduous hedge equal in height at the time of planting to the Service Facility, and installed and maintained in accordance with §16-5-7(F)(3).

(E) Prohibited uses.

(1) Residential yards. Service Facilities are prohibited in the front yard or side yard adjoining a street of any lot used for residential purposes within the R-1, R-2, R-3 and R-4 zoning districts.

(2) Prohibited equipment. Above-Ground Service Facilities containing any device that creates an undue risk to the public's health, safety and welfare are prohibited from every zoning district.

(F) Special Use Permits.

(1) General. The following provisions shall govern the issuance of special use permits.

(a) Service Facilities not permitted to be approved administratively pursuant to §16-5-7(D), and not



otherwise prohibited by §16-5-7(E), shall require a special use permit. Special use permit applications for Service Facilities shall be processed and heard in conformance with the requirements of the Zoning Code.

(b) In granting a special use permit, conditions may be imposed to the extent the Village Board determines necessary to minimize any adverse effect of the proposed Service Facility. Where a Service Facility is to be located in a front yard or a side yard adjoining a street, the special use permit shall require that the Service Facility be no closer than five feet from the lot line of a front yard or a side yard adjoining a street, or such greater distance as determined by the Village Board.

(c) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer, licensed in the State of Illinois.

(d) Any application for a special use permit required by this Section must include evidence of the property owner's written consent to the Service Entity locating the Service Facility on the subject property, including an acknowledgment that such property owner has read and acknowledges the obligations set forth in §16-15-7(F)(3).

(2) Factors considered in granting special use permits. In addition to the standards identified in §16-15-8 of the Zoning Code, the following factors may be considered in determining whether to recommend or issue a special use permit:

(a) Whether the Service Facility is the smallest size capable of providing the intended service, as determined by the Community Development Director;

(b) Proximity of the Service Facility to residential district boundaries;

(c) Nature and intensity of uses on adjacent and nearby properties.

(d) Topography of site and surrounding areas;

(e) Surrounding tree coverage and foliage;

(f) Design of the Service Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

(g) The physical relationship between the Service Facility and existing structures and utilities.

(3) Landscaping/Screening. The following requirements shall govern the landscaping surrounding Service Facilities requiring a special use permit.

(a) A Service Facility shall be landscaped/screened with a variety of plant materials that effectively screen the view of the Service Facility from adjacent property and public rights-of-way on a year-round basis. In some cases, such as a Service Facility sited on a large, wooded lot, natural growth around the property perimeter may be a sufficient buffer. Appropriate care and maintenance of plant material shall be provided to keep such growth alive and in good condition. Diseased or dead plant material shall be replaced. All trees shall be maintained until established. All trees not in a vigorous growing condition after one growing season shall be replaced at the beginning of the next succeeding planting season.

(b) In locations where the visual impact of the Service Facility would be and is likely to remain minimal for the foreseeable future, the landscaping requirement may be reduced or waived.

(c) The property owner and the Service Entity shall be jointly and severally liable for the landscaping and screening obligations set forth in this subsection (3).

G. Fire damage. Any Above-Ground Service facility that spontaneously combusts, explodes or otherwise becomes set afire for any reason shall not be removed from its location until such time as the Village, the Fire Protection District or their designee can investigate the cause thereof and develop regulatory regulations for minimizing the risk in the future.

SECTION 5: That Chapter 16, Article 21, Section 1 of the Carol Stream Zoning Code pertaining to Accessory Buildings, Structures and Uses, is hereby amended as follows:

**§ 16-12-1 ACCESSORY BUILDINGS, STRUCTURES AND USES.**

(B) Radio or broadband telecommunications poles, towers and antennae, television poles or towers and antennas, not more than 55 feet in height above ground, shall be permitted as

accessory or detached structures on lots in any district. Such structures shall not be placed in a position as to present a hazard to any utility lines. Such structures shall be further regulated as follows:

(1) Antenna structures or parabolic dish antenna structures shall not be located in any ~~required~~ front or side yards adjoining a street and shall be constructed and maintained in compliance with the manufacturer's specifications.

(C) Except as otherwise regulated herein, an accessory building, structure or use hereafter established, erected, altered, enlarged or moved on a lot shall conform with the following:

(1) No accessory building, including detached garages, shall be more than one story, or 15 feet in height in accordance with the definition of building height set forth elsewhere in this code, except as follows: no shed or storage building for garden equipment and household items accessory to residential structures shall be more than one story, nor more than 13 feet in height at its highest elevation. The height of a shed or storage building specified herein shall be the maximum height allowable, notwithstanding the definition of building height set forth elsewhere in this code.

(2) An accessory building or structure, either detached from or attached to the principal building, shall not be located in a ~~required~~ front yard, interior side yard, or side yard abutting a street except for permitted obstructions as set forth elsewhere in this code. Above-Ground Service Facilities shall be located in accordance with the regulations contained in §16-5-7.

SECTION 6: That Chapter 16, Article 12, Section 2 of the Carol Stream Zoning Code pertaining to Permitted Obstructions in Required Yards, is hereby amended as follows:

**§ 16-12-2 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.**

(A) All obstructions must conform to the standards set forth in all applicable village ordinances and codes, including but not limited to the Sign, Building, Fence and Electrical Codes.

(B) Obstructions in required yards, as herein defined, shall be permitted in accordance with the following standards, ~~except where actual yards exceed required yards, the following limitations on obstructions shall pertain only to the extent that such obstructions encroach upon required yards, and except where such obstructions would encroach upon the required sight~~

clear distance on corner lots or upon easements, or adversely affect drainage. Obstructions not permitted in a particular required yard are also not permitted in the corresponding actual yard.

**Table of Permitted Obstructions in Required Yards**

F - Denotes permitted obstructions in front yards and side yards adjoining streets.

S - Denotes permitted obstructions in interior side yards.

R - Denotes permitted obstructions in rear yards.

C - Denotes permitted obstructions in courtyards.

1. Awnings or canopies which may project not more than three feet into a <u>required yard or courtyard.</u>	F	S	R	C
2. Arbors or trellis (where trellises are attached to the principal building they may also project into <u>required</u> front yards, side yards and courts).	F	S	R	C
3. Air conditioning equipment which projects no more than four feet into the <u>required interior side yard or the required side yard adjoining a street.</u> Air conditioning equipment located in a <u>required or actual</u> side yard adjoining a street shall be adequately screened with decorative fencing, evergreen shrubs, or other suitable material, on all sides of the equipment visible from the street, to the satisfaction of the Community Development Director or his or her designee. Shrubs shall be a minimum of 30 inches in height at time of planting and shall have no significant gaps between them except as necessary to service the equipment.	*	S	R	C
4. Architectural entrance structures on a lot not less than two acres in area or at entrance roadways into subdivisions or planned unit developments.	F	S	R	
5. Architectural features, including ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 18 inches into a <u>required yard.</u>	F	S	R	C
6. Balconies which project no more than four feet into the <u>required front yard.</u>	F		R	C
7. Windows projecting not more than three feet into a <u>required yard.</u>	F	S	R	C
8. Open front porches on all dwelling units. <del>Shall which project no more than four feet into the required front yard or the required side yard adjoining a street. , or for dwelling units with patio doors located on the interior side yard of the unit, open (unroofed) decks and patios which project no more than four feet into the required side yard where they serve the patio door.</del>	F	S	R	C
9. Chimneys, attached, projecting not more than 24 inches into a <u>required yard or courtyard.</u>	F	S	R	C
10. Eaves and gutters on a principal building or attached accessory buildings projecting not more than four feet into a <u>required front yard,</u>	F	S	R	C

required side yard adjoining a street or required <del>and</del> rear yard, and not more than 24 inches into a <u>required</u> side yard or courtyard.				
11. Fallout shelters, attached or detached, when conforming also with other codes and ordinances of the village.			R	
12. Flagpoles.	F	S	R	C
13. Fuel pumps and air and water outlets in conjunction with automobile service stations, provided they shall be set back at least 35 feet from the lot line.	F	S	R	
14. Growing of farm and garden crops in the open.		S	R	
15. Lawn furniture, such as benches, sun dials, bird baths, and similar architectural features.	F	S	R	C
16. Open off-street loading spaces.		S	R	
17. Ornamental light standards.	F	S	R	C
18. Playground, clotheslines and laundry-drying equipment.		S	R	
19. Sheds and storage buildings for garden equipment and household items accessory to residential structures.		S	R	
20. Steps, open, necessary for access to and from the dwelling or an accessory building, steps as access to the lot from the street, and in gardens or terraces, provided there are no more than eight steps for access to and from a principal or accessory building, and which project not more than four feet into the <u>required</u> side yard.	F	S	R	C
21. Swimming pools, private. When conforming also with other codes and ordinances of the Village.			R	
22. Tennis courts, private.			R	
23. Terraces, patios, <u>decks</u> and outdoor fireplaces. <u>For dwelling units with patio doors located on the interior side yard of the unit, open (unroofed) decks and patios which project no more than four feet into the required side yard are permitted where they serve the patio door.</u>			R	C
24. Terraces, <u>patios and decks</u> not over four feet above the average level of the adjoining ground and not projecting over ten feet into a <u>required</u> yard, but not including permanently roofed-over terraces, patios, or porches.			R	C
25. Trees, shrubs, and flowers planted in the ground or in containers, except as prohibited by the Fence Code.	F	S	R	C
26. <u>Sight triangle.</u> On corner lots within that part of a yard, courtyard, or other open area located with a triangular area of 25 feet from the point of intersection of the two street rights-of-way lines forming a corner lot, no buildings, structures, or shrubs as herein permitted as obstructions in front yards or side yards adjoining a street shall be erected, altered or planted which have a height more than 30 inches	F	S	R	

above the crown of the street, except that trees and shrubs planted in this area shall be maintained in a manner that trees shall not have branches lower than eight feet and shrubs shall not be higher than 30 inches at maturity.				
27. Driveways.	F	S	R	
28. Service walks.	F	S	R	
29. Service facilities.	**	**	**	**
* Air conditioning equipment is permitted in a side yard adjoining a street, but not a front yard, subject to the requirements specified herein.				
** See §16-5-7.				

SECTION 7: That Chapter 16, Article 16, Section 3 of the Carol Stream Zoning Code pertaining to Preliminary Plan and Outline Development Plan, is hereby amended as follows:

**§ 16-16-3 PRELIMINARY PLAN AND OUTLINE DEVELOPMENT PLAN.**

(D) *Preliminary plan documentation.* The preliminary plan shall contain as much of the following information as is applicable to the proposed special use and such other information as may be requested to accompany the application. This shall include both a map or maps, drawings, a written statement, and other information as follows:

(1) The map or maps which shall be included as part of the application shall be drawn at a scale of one inch = 100 feet, or if the area of the site is more than 200 acres, one inch = 200 feet. The following information shall be shown:

(c) Site analysis. A detailed site analysis of the property in question, which shall show the following information:

2. Public utilities information, which shall show the location and size of any existing sanitary sewer, storm sewers, and water lines, ~~both on the site and in easements and rights-of-way immediately adjacent to the site~~, gas, electric, and telephone. broadband telecommunications facilities, both on the site and in easements and rights-of-way immediately adjacent to the site. For each Above-Ground Service Facility depicted, the map shall designate the owner of the proposed

facility, its proximity to the nearest Above-Ground Service facility, and the Service Entity that owns the existing facility.

(d) Land use plan. A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:

2. Design features information, which shall show:

(e) Utility plan. A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all utilities (including sanitary sewer, storm sewer, and waterlines, gas, electricity and broadband telecommunications), in both public ways and private extensions thereof, for all proposed land uses. The proposed utility plan shall also show drainage ditches, culverts and water retention areas, as well as any utility easements. ~~Commonwealth Edison and Bell Telephone easements and a publicly franchised utility~~ Publicly franchised utilities shall be restricted to primarily a rear yard and a side yard placement, where necessary. Above-Ground Service Facilities shall be located in accordance with §16-5-7.

SECTION 8: That Chapter 16, Article 16, Section 3 of the Carol Stream Zoning Code pertaining to Business Planned Unit Developments, is hereby amended as follows:

**§ 16-16-8 BUSINESS PLANNED UNIT DEVELOPMENTS.**

(E) *Standards.* In addition to the standards set forth in § 16-16-6, the following additional standards must be complied with:

(8) Utilities. All of the planned unit development shall provide for underground installation of utilities (including gas, electricity and broadband telecommunications telephone) in both public ways and private extensions thereof. Above-Ground Service Facilities shall be located in accordance with §16-5-7. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf to handle storm waters.

SECTION 9: That Chapter 16, Article 16, Section 9 of the Carol Stream Zoning Code pertaining to Industrial Planned Unit Developments is hereby amended as follows:

**§ 16-16-9 INDUSTRIAL PLANNED UNIT DEVELOPMENTS.**

(F) *Standards.* In addition to the standards set forth in § 16-16-6, the following standards must be complied with:

(5) Utilities. All of the industrial planned unit developments shall provide for underground installation of utilities (including gas, electricity and broadband telecommunications) in both public rights-of-way and private extensions thereof. Above-Ground Service Facilities shall be located in accordance with §16-5-7.

SECTION 10: That Chapter 16, Article 18, Section 1 of the Carol Stream Zoning Code pertaining to Definitions is hereby amended as follows:

**§ 16-18-1 DEFINITIONS.**

**ABOVE-GROUND SERVICE FACILITY (“Service Facility” or “Service Facilities”).** An above-ground structure, used by a Service Entity to provide service to the public, which has a volume above the ground surface of 24 cubic feet or greater, a linear size of four feet or greater in any one dimension, or a footprint of five percent or greater of the maximum lot coverage for the lot.

**BROADBAND TELECOMMUNICATIONS.** The provision of the ability to transmit voice, data, text, sound or video programming. A broadband telecommunications utility is any entity engaged in operating, maintaining, and/or providing a broadband telecommunications network to subscribers for a fee, and may be operated via an open and/or closed transmission path. A telecommunications utility may be based on a single technology or a combination of technologies.

**SERVICE ENTITY.** Any individual or entity, either foreign or domestic, providing any utility or video service for a fee subject to either a franchise, state-issued authorization or regulation by the Illinois Commerce Commission.

~~VILLAGE BOARD. The President and Village Board of Trustees of the Village of Carol Stream, Illinois.~~

**YARD, ACTUAL.** The actual yard is bounded by the applicable lot line(s) and the actual building setback as established by the principal building or use of land.

**YARD, FRONT.** A yard which is bounded by the side lot lines, front lot ~~lines~~ line, and the front yard line, or the established



setback line when 40% or more of the lots fronting on one side of a street within a block are improved with principal ~~building~~ buildings or uses of land.

**YARD LINE.** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point ~~on~~ than the required depth or width of the applicable yard otherwise contained within this Zoning Code. Yard lines ~~created in the manner set forth above~~ shall be created for each type of yard for which a required depth or width is established within the Zoning Code. A principal or accessory building, structure or other obstruction shall not encroach into the area between any yard line and an adjacent lot line except for such permitted obstructions in yards as are set forth in this Chapter.

**YARD, REAR.** A yard which is bounded by the interior side lot line(s) lines, required yard line adjoining a street (if applicable), rear lot line, and the rear yard line.

**YARD, REQUIRED.** The required yard is bounded by the applicable lot line(s) and required yard line(s). Unless noted otherwise, references to "yard" in the Zoning Code refer to the required yard.

~~**YARD, SIDE.** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.~~

**YARD, SIDE, ADJOINING A STREET (CORNER SIDE YARD).** A yard which is bounded by the front ~~lot~~ yard line, side yard line, side lot line adjoining a street ~~line~~ and a rear lot line. A side yard adjoining a street shall extend across the entire length of a lot from the front ~~lot~~ yard line to the rear lot line.

**YARD, INTERIOR SIDE.** A side yard which adjoins another lot or an alley separating such side yard from another lot, and which is bounded by the rear yard line, front yard line, side yard line, and interior side lot line.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:

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Frank Saverino, Sr., Mayor

ATTEST:

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Beth Melody, Village Clerk

H-2 10-6-08

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A SPECIAL USE FOR A GARAGE AND PARKING LOT  
NOT INCIDENTAL TO A PERMITTED USE IN THE I INDUSTRIAL DISTRICT  
(150-180 DELLA COURT)**

WHEREAS, Kevin P. Connelley of Conneley Partners, owners of the property, have requested a Special Use in Accordance with Section 16-10-2(B)(7) of the Carol Stream Zoning Code to allow a Garage and Parking Lot Not Incidental to a Permitted Use in the I Industrial District; and

WHEREAS, the Combined Plan Commission and Zoning Board of Appeals, pursuant to proper legal notice, held a public hearing on September 22, 2008 concerning this request and has recommended that the Special Use be granted; and

WHEREAS, the Corporate Authorities find that granting of this Special Use would not be inconsistent with surrounding uses, nor would it be contrary to the intent of the Zoning Code of the Village of Carol Stream provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 150-180 Della Court, be granted a Special Use Permit for a Garage and Parking Lot Not Incidental to a Permitted Use in accordance with Section 16-10-2 (B)(7) of the Carol Stream Zoning Code, provided the following conditions are met:

1. That the building remodeling shall be designed and constructed so as to property address all building, fire and life safety code issues, including but not limited to property ventilation, fire resistance rating of the separation wall, storm sewer pollutant discharge and handicapped space

requirements.

2. That in the event the building is required to have ventilation intakes or exhausts penetrating the building wall, such penetrations shall be located at the west wall of the building, or if any roof mounted equipment is installed, such equipment shall be screened from view in all directions.
3. That a protective barrier, such as guardrail, shall be installed along the common wall with the adjacent space to the east.
4. That a sidewalk shall be constructed along the cul-de-sac bulb and leading from the cul-de-sac to the FedEx building at 205 Della Court.
5. That the parking spaces and aisles shall meet the dimensional requirements of the Zoning Code.
6. That no action shall be taken to expand the truck trailer parking into the existing employee parking area at 205 Della Court unless approval is granted by the Village Board for expansion of the existing Special Use Permit for that purpose.
7. That five (5) six foot tall evergreen trees shall be installed at the west edge of the parking lot west of the overhead door where vehicles will exit the parking garage.
8. That the operation of the facility must comply with all applicable state, county, and Village codes and requirements.

LEGAL DESCRIPTION:

Lot 3 in Klein Creek Business Center of Carol Stream, being a subdivision in the Northeast Quarter of the Southwest Quarter of Section 5, Township 39 North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded September 11, 1998 as Document Number R98-188227, in DuPage County, Illinois.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this

Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Frank Saverino, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Beth Melody, Village Clerk

I, \_\_\_\_\_, being the owner or other party of interest of the  
(please print)  
property legally described within this Ordinance, having read a copy of the Ordinance,  
do hereby accept, concur and agree to develop and use the subject property in  
accordance with the terms of this Ordinance.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(signature)

4-3 10-6-08

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW A MINI-WAREHOUSE IN THE I INDUSTRIAL DISTRICT AND VARIATION TO EXCEED THE ALLOWABLE FLOOR AREA RATIO (120 TUBEWAY DRIVE)**

WHEREAS, Lawrence S. Nora of U-STOR-IT Self Storage, has requested a Special Use in Accordance with Section 16-10-2(B)(10) of the Carol Stream Zoning Code to allow a Mini-Warehouse in the I Industrial District and a Variation in accordance with Section 16-10-2(B)(10)(a) for Floor Area Ratio (FAR) in excess of 0.5; and

WHEREAS, the Combined Plan Commission and Zoning Board of Appeals, pursuant to proper legal notice, held a public hearing on September 22, 2008 concerning this request and has recommended that the Special Use be granted; and

WHEREAS, the Corporate Authorities find that granting of this Special Use and Variation would not be inconsistent with surrounding uses, nor would it be contrary to the intent of the Zoning Code of the Village of Carol Stream provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 120 Tubeway Drive, be granted a Special Use Permit for a Mini-Warehouse in accordance with Section 16-10-2 (B)(10) of the Zoning Code, and a Variation for Floor Area Ratio of 1.11 rather than the allowable maximum of 0.50 in accordance with Section 16-10-2(B)(10)(a) of the Zoning Code in accordance with the Site Plan (A02) dated July 31, 2008, Floor Plans (A1-1, A1-2, A1-3), dated July 31,

2008 and the Building Elevation Plan (A2-1), dated July 31, 2008, provided the following conditions are met:

1. That the steel doors on the north and east elevations include windows.
2. That no outdoor storage shall be allowed.
3. That the overhead doors facing Tubeway Drive be kept closed when not in use.
4. That the operation of the facility shall comply with all applicable state, county, and Village codes and requirements.

LEGAL DESCRIPTION:

Lot 2 in Narco Carol Stream Center for Industrial Unit 4 Subdivision of part of the Northwest Quarter of Section 5, Township 39 North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded June 15, 1978 as Document Number R78-35255, in DuPage County, Illinois.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in

accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Frank Saverino, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Beth Melody, Village Clerk

I, \_\_\_\_\_, being the owner or other party of interest of the  
(please print)  
property legally described within this Ordinance, having read a copy of the Ordinance,  
do hereby accept, concur and agree to develop and use the subject property in  
accordance with the terms of this Ordinance.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(signature)



TUBEWAY DRIVE

**SUMMARY**

LIT 201		FRONT OF 1204 VERMONT
BUILDING AREA A - MINI-WAREHOUSE	48,910 SF	
BUILDING AREA B - LIGHT STORAGE	11,890 SF	
TOTAL BUILDING AREA	60,800 SF	
BUILDING F.A.S. (SF)	48,910 SF	
BUILDING F.A.S. (FLOOR)	1.71	
FLOOR AREA PER FOOT BUILDING AREA	0.3	

**BUILDING AREA A - MINI-WAREHOUSE**

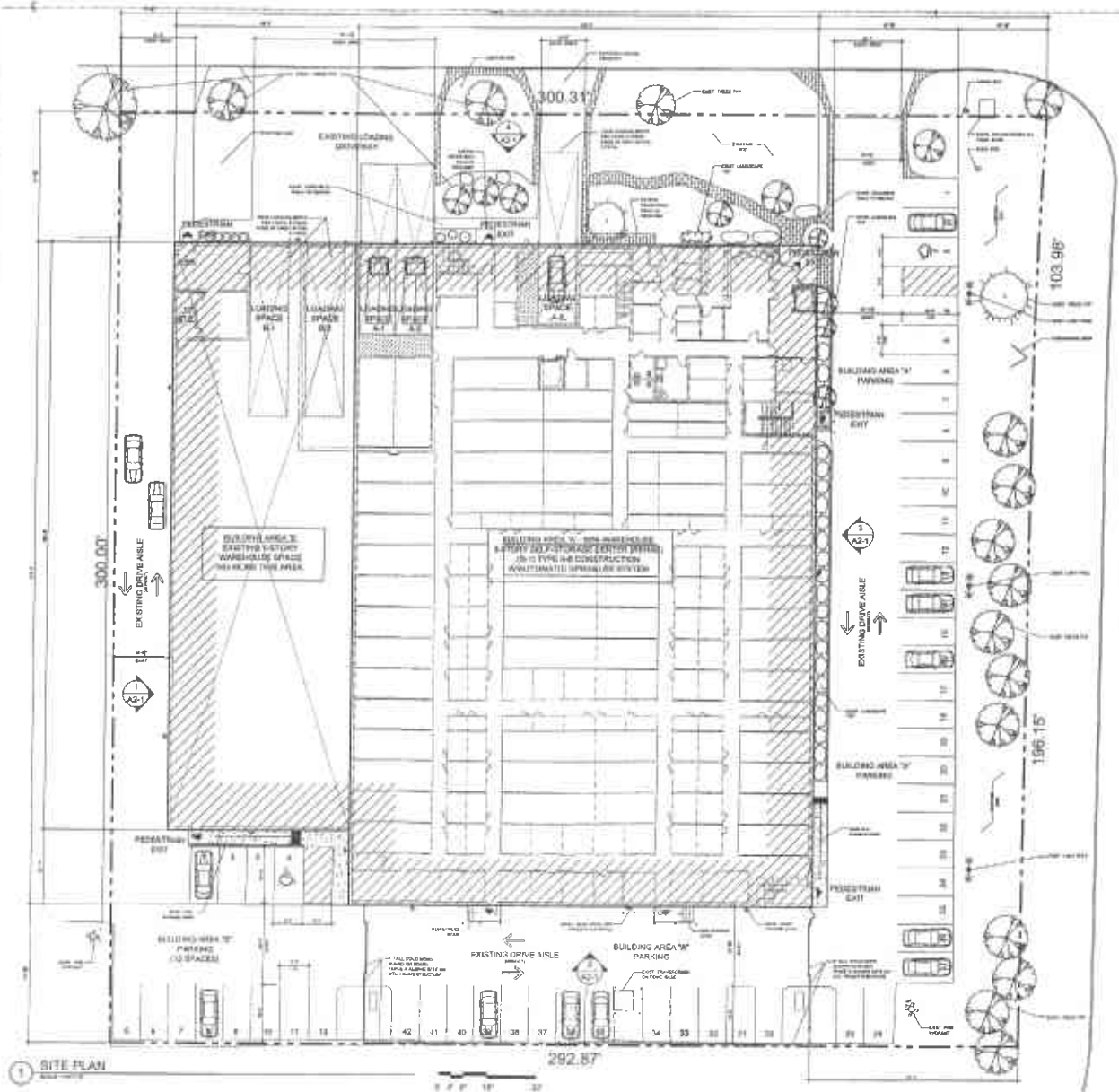
1ST FLOOR (TOTAL)	31,820 SF
OFFICE	1,120 SF
LIGHT STORAGE	674 SF
LOADING A-1 & A-2	434 SF
LOADING A-3	670 SF
STORAGE	24,422 SF
2ND FLOOR (TOTAL)	16,490 SF
RESIDENTIAL UNIT	1,208 SF
LIGHT STORAGE	2,111 SF
STORAGE	13,173 SF
3RD FLOOR (TOTAL)	28,600 SF
STORAGE	28,600 SF
<b>BUILDING AREA A TOTAL</b>	<b>60,910 SF</b>

PARKING PROVIDED: MINIMUM 42 SPACES  
 PARKING PROVIDED: 42 SPACES (INCLUDING 1 ACCESSIBLE SPACE)  
 LOADING REQUIRED: 40,000 S.F. - 100,000 S.F.  
 LOADING PROVIDED: 3 - 12 X 55 SPACES

**BUILDING AREA B - LIGHT STORAGE**

OFFICE	1,120 SF
LIGHT STORAGE	674 SF
LOADING A-1 & A-2	434 SF
LOADING A-3	670 SF
STORAGE	24,422 SF
<b>BUILDING AREA B TOTAL</b>	<b>11,890 SF</b>

PARKING PROVIDED: MINIMUM 4 SPACES  
 PARKING PROVIDED: 4 SPACES (INCLUDING 1 ACCESSIBLE SPACE)  
 LOADING REQUIRED: 40,000 S.F. - 100,000 S.F.  
 LOADING PROVIDED: 3 - 12 X 55 SPACES



1 SITE PLAN

**NOTES**

DATE	DESCRIPTION

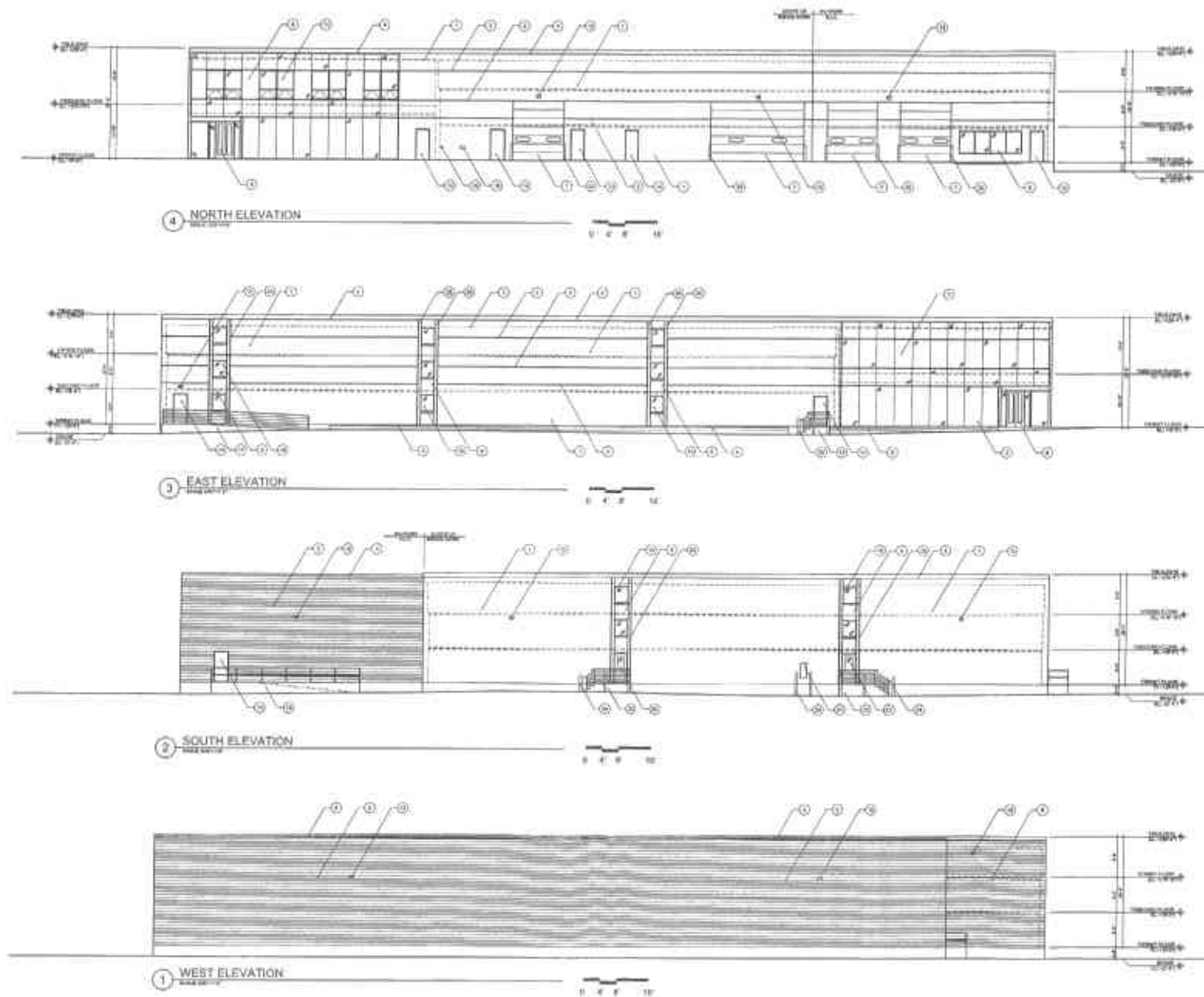
U-STOR-IT  
 124 TUBEWAY DRIVE  
 GARDEN STATION, ILLINOIS  
 PROFESSIONAL DESIGN FIRM  
 CHICAGO CAPITAL  
 FUNDS, LLC  
 LAWRENCE V. MOGA  
 SITE PLAN

**A0-2**









**NOTES**

**GENERAL NOTES**

1. SEE PLAN
2. EXIST. EXTERIOR FINISH AS SHOWN
3. EXIST. CONCRETE WALL
4. EXIST. CONCRETE FOUNDATION
5. EXIST. CONCRETE SLAB
6. EXIST. CONCRETE FOOTING
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**NOTE REGARDING COLORS**

EXISTING BUILDING COLORS TO REMAIN UNCHANGED-SEE PHOTO

**U-STOR-IT**

120 TUBEWAY DRIVE  
CAROL STREAM, ILLINOIS

**PETITIONERS:**  
CHICAGO CAPITAL  
FUNDS, LLC  
LAWRENCE P. MOBA

**BUILDING ELEVATIONS**

A2-1

H-4 10-6-08

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR  
THE VILLAGE OF CAROL STREAM FOR THE YEAR  
COMMENCING MAY 1, 2008 AND ENDING APRIL 30, 2009**

BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF  
ITS HOME RULE POWERS, as follows:

SECTION 1: That Ordinance No. 2008-04-12 shall be amended in that  
the 2008-09 Expenditure Budget for the Motor Fuel Tax Fund shall be increased from  
\$1,348,196 to \$1,459,226 to recognize expenses which will accrue to the Salt Account  
(432-53335) in the amount of \$111,030.

SECTION 2: That Ordinance No. 2008-04-12 shall be amended in that the  
2008-09 Revenue Budget for the Motor Fuel Tax Fund be increased from \$1,952,522  
to \$2,063,552 to recognize a reappropriation of fund balance in the amount of  
\$111,030 which will accrue to the Reappropriation of Fund Balance Account (06-  
49699).

SECTION 3: This Ordinance shall be in full force and effect from and after its  
passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:


\_\_\_\_\_  
Frank Saverino, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Beth Melody, Village Clerk

*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joe Breinig, Village Manager

**FROM:** John A. Turner, Director of Public Works 

**DATE:** October 6, 2008

**RE:** Road Salt Award - Cargill, Inc., Salt Division

For numerous years, the Village of Carol Stream has been participating in the State of Illinois Joint Purchase of roadway salt. We have just received notification that our joint purchasing requisition for 2008-2009 has been awarded to Cargill, Inc., Salt Division, of North Olmstead, Ohio, at the unit cost of \$60.78 per ton.

This is a cost increase of 51% over last year's unit cost of \$40.15 per ton. According to the Illinois Department of Central Management Services, "Supply, demand and logistical factors have adversely affected the resultant availability and price offering for certain locations throughout the State of Illinois, as well as surrounding states"; and although this cost increase is substantial, we have heard that other joint purchasing areas have received even higher unit costs or did not receive a joint bid at all.

It is unlikely that the Village would be able to secure a bid cost any lower and might run the risk of not being able to find sufficient quantities of salt if we were to reject the joint bidding and proceed to look for securing salt on our own. It is, therefore, my recommendation that we join the state purchase of this item by awarding the state salt purchase to Cargill, Inc., Salt Division, at a unit cost of \$60.78 per ton.

We had requisitioned for 4,000 tons of salt for the forthcoming winter, which - under the requirements of the agreement - would require us to purchase at least 70% (2,800 tons). This would represent a minimum expenditure of \$170,184. The cost to purchase our requested amount of 4,000 tons would be \$243,120. Based upon past experience, we had budgeted \$132,090 for salt purchasing this budget year. A budget amendment in the amount of \$111,030 is requested to provide sufficient funds to purchase our total 4,000 ton requisition, should it be necessary, based upon wintertime conditions.

JAT:lm  
att.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM**

WHEREAS, in the opinion of the corporate authorities of the Village of Carol Stream, Illinois, it is no longer necessary or useful, or for the best interests of the Village of Carol Stream to retain ownership of the personal property hereinafter described; and

WHEREAS, the described surplus property has been determined by the corporate authorities of the Village of Carol Stream to have negligible value to the Village; and

WHEREAS, it has been determined by the Mayor and Board of Trustees of the Village of Carol Stream to dispose of the surplus property described in Exhibit "A" attached to this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the Mayor and Board of Trustees of the Village of Carol Stream find that the personal property described in the attached "Exhibit "A", now owned by the Village of Carol Stream, is no longer useful and authorize its sale on E-bay or its disposal.

SECTION 2: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:



---

Frank Saverino, Sr., Mayor

ATTEST:

---

Beth Melody, Village Clerk

*Village of Carol Stream*  
**Interdepartmental Memo**

**TO:** Joe Breinig, Village Manager

**FROM:** Matthew R York, Assistant Public Works Director <sup>MR</sup>

**DATE:** October 1, 2008

**RE:** Surplus Equipment

The attached resolution is to declare Equipment #402, a 1998 Pitney Bowes Copy Machine, surplus.

I-2 10-6-08

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF CAROL STREAM AND THE VILLAGE OF GLENDALE HEIGHTS FOR THE PROVISION OF POLICE SERVICES BY THE VILLAGE OF GLENDALE HEIGHTS AT GLENBARD NORTH HIGH SCHOOL**

WHEREAS, the Mayor and Board of Trustees of the Village of Carol Stream have determined that it is in the best interest of the Village to enter into an Agreement with the Village of Glendale Heights in the form of an Agreement attached hereto as Exhibit "A", and by this reference incorporated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the Mayor and Village Clerk of the Village of Carol Stream be and the same are hereby authorized to execute the agreement, in the appropriate form, attached hereto as Exhibit "A" and as approved by the Village Attorney.

SECTION 2: That all resolutions or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, expressly repealed.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF OCTOBER 2008.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Frank Saverino, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Beth Melody, Village Clerk

*Village of Carol Stream*  
Interdepartmental Memo

To: Village Manager Joe Breinig

From:   
Chief Rick Willing

Date: September 25, 2008

Re: The Police Department requests the Village Board approve the attached Intergovernmental Agreement that will allow for cooperative police services with the Glendale Heights Police Department concerning their officer assigned as a School Resource Officer at Glenbard North High School.

Glendale Heights Police Department and Glenbard Township High School District #87 have reached an agreement to have an officer assigned to the District to serve as a school resource officer (SRO). As part of this agreement, the Glendale Heights SRO will spend time at Glenbard North High School.

In order for that officer to effectively address police related issues, an intergovernmental agreement has to be established to specify his/her police authority. The following agreement has been reviewed by our attorney, Stewart Diamond, and is mutually agreeable between the parties.

This officer will assist our SRO and handle issues that involve Glendale Heights students assigned to Glenbard North. This does not affect the duties and responsibilities of our officer and will provide additional support to the program. The Glendale Heights SRO will rotate between the four Glenbard schools.

I recommend that the Village Board approve this agreement so implementation of this program can be expedited.

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF  
GLENDALE HEIGHTS AND THE VILLAGE OF CAROL STREAM FOR THE  
PROVISION OF POLICE SERVICES BY THE VILLAGE OF GLENDALE HEIGHTS  
AT GLENBARD NORTH HIGH SCHOOL**

This Intergovernmental Agreement (hereinafter the "Agreement") is entered into by and between the VILLAGE OF GLENDALE HEIGHTS (hereinafter "Glendale Heights"), and the VILLAGE OF CAROL STREAM, (hereinafter "Carol Stream"), this \_\_\_\_\_ day of \_\_\_\_\_ 2008. (Carol Stream and Glendale Heights are sometimes hereinafter individually referred to as a "Party", and are collectively referred to as the "Parties".)

WHEREAS, School District No. 87 operates four (4) high schools, three (3) of which have students from Glendale Heights attending; and

WHEREAS, School District No. 87 desires to have police officers from Glendale Heights serve as the police liaison officers at all high schools attended by students from Glendale Heights; and

WHEREAS, Glenbard North High School (hereinafter "Glenbard North") is located within Carol Stream, with students from Glendale Heights attending Glenbard North; and

WHEREAS the Glendale Heights Police Department desires to furnish and provide police services at Glenbard North; and thereby, to work within Carol Stream's jurisdiction to accomplish that task; and

WHEREAS, the Parties hereto are in agreement that it is in their respective best interests to enter into this Agreement as requested by School District 87; and

WHEREAS, the Parties enter into this Agreement pursuant to Article VII, Section 10 of the Illinois Constitution of 1970, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*), and Section 11-1-2.1 of the Illinois Municipal Code (65 ILCS 5/11-1-2.1 *et seq.*

NOW, THEREFORE, in consideration of the foregoing, the mutual and several promises, covenants and understandings contained herein, and other good and valuable consideration, the

receipt and sufficiency of which is acknowledged by the Parties hereto, the Parties agree as follows:

1. Incorporation of Recitals: The foregoing recitals are hereby incorporated as if fully recited herein.

2. Purpose of Agreement: The purpose of this Agreement is to allow the Glendale Heights Police Department to provide police officers and to furnish and provide police liaison and law enforcement services at Glenbard North.

3. Utilization of Facilities: Carol Stream will allow the Glendale Heights' police officers, who are providing police services at Glenbard North, to utilize Carol Stream's Police Department facilities to effectuate arrests, and otherwise perform all lawful duties of a peace officer with respect to the performance of law enforcement services at Glenbard North. Any law enforcement services performed at Glenbard North will be carried out in accordance with and not expanded beyond an intergovernmental agreement between School District 87 and Glendale Heights. This intergovernmental agreement, however, as opposed to any agreement between the two municipalities, shall not authorize Glendale Heights police officers to perform any other duties or services within Carol Stream.

4. Compensation Between the Parties: No monetary compensation will be paid between the Parties pursuant to this Agreement.

5. Responsibilities of the Parties:

A. Responsibility for Employees. Glendale Heights shall assume all responsibility for the actions of its police officers while acting in such capacity at Glenbard North pursuant to this Agreement, both as to indemnification of police officers and as to the payment of benefits to such police officers, all to the same extent as such police officers are protected, insured, indemnified and otherwise provided for when acting within the corporate limits of Glendale Heights.

B. Compensation of Employees. Glendale Heights shall be solely and exclusively responsible for the payment of any and all benefits to all of its police officers while acting in such capacity at Glenbard North pursuant to this Agreement, including but not limited to the payment of wages, salaries, disability payments, pension benefits, workers' compensation claims, claims for damage to or destruction of equipment and clothing, and claims for medical expenses. At no time will any employee of the Glendale Heights Police Department be considered an employee of another police department, including, but not limited to, the Carol Stream Police Department, pursuant to this Agreement.

6. Indemnification: Glendale Heights shall indemnify and hold harmless Carol Stream, and its officers, agents, and employees, with respect to any claim or loss, including, but not limited to, attorneys' fees, costs and expenses of litigation, claims and judgments in connection with any and all claims for damages of any kind which might arise, either directly or indirectly, out of the acts or omissions of Glendale Heights, or its officers, agents, or employees, in the utilization of Carol Stream's Police Department facilities as contemplated by this Agreement, but only to the extent caused in whole or in part by any negligent or willful and wanton act or omission of Glendale Heights its officers, agents or employees. The indemnification provided above by Glendale Heights shall not only cover litigation claims and judgments relating to the utilization of Carol Stream's Police Department facilities, but also with regards to any other action of Glendale Heights Police Officers, either in accordance with the authorized services to be provided at Glenbard North, or with regards to acts or failures to act arising in any way out of acts performed beyond the scope of the services relating to Glenbard North properties.

7. Notices: Any notice, request, demand or other communication made in connection with this Agreement shall be in writing and shall be deemed to have been duly given on the date of delivery, if delivered to the persons identified below in person, by courier service or by facsimile copy (with original copy mailed the same day in accordance with the provisions of this Section),

or five (5) business days after mailing if mailed by certified mail, postage prepaid, return receipt requested, addressed as follows:

If to the Village of Glendale Heights:

Village of Glendale Heights  
300 Civic Center Plaza  
Glendale Heights, IL 60139  
ATTN: Michael S. Marron, Chief of Police

With a copy to:

Donald J. Storino, Esq.  
Storino, Ramello & Durkin  
9501 W. Devon, Suite 800  
Rosemont, IL 60018

If to the Village of Carol Stream:

Village of Carol Stream Police Department  
500 North Gary Avenue  
Carol Stream, IL 60188  
ATTN: Rick Willing, Chief of Police

With a copy to:

Village of Carol Stream  
500 North Gary Avenue  
Carol Stream, IL 60188  
ATTN: Village Manager

8. Severability: If any provision or part of this Agreement shall ever be held to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision or parts of this Agreement not so held invalid or unenforceable. Such other provisions or parts which are not held invalid or unenforceable shall survive and continue in full force and effect, unless deletion of the provision or other part of the Agreement which is held to be invalid or unenforceable renders this Agreement meaningless.

9. Term: The term of this Agreement shall be two (2) years from and after the date of execution by the Parties. This Agreement shall thereafter automatically renew for successive two (2) year periods unless and until terminated. Either Party hereto may terminate this



Agreement upon written notice being provided to the other Party, not less than thirty (30) days prior to the proposed termination date.

10. Entire Agreement: This Agreement shall constitute the entire agreement between the Parties and supersedes all prior oral and written representations and agreements relating to the subject matter of this Agreement.

11. Modification of Agreement: Any modification of this Agreement or additional obligation assumed by any party in connection with this Agreement shall be binding only if evidenced in writing signed and authorized by the representatives of the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates set forth hereinafter.

VILLAGE OF GLENDALE HEIGHTS

VILLAGE OF CAROL STREAM

By: \_\_\_\_\_  
Linda Jackson  
Village President

By: \_\_\_\_\_  
Frank Saverino  
Village President

ATTEST:

ATTEST

By: \_\_\_\_\_  
Village Clerk  
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Village Clerk  
Dated: \_\_\_\_\_

J-1 10-6-08

*Village of Carol Stream*

Interdepartmental Memo

**TO:** Joseph E. Breinig, Village Manager

**FROM:** Donald T. Bastian, Assistant Community Development Director *DB*

**THROUGH:** Robert J. Glees, Community Development Director

**DATE:** October 2, 2008

**RE:** **Agenda Item for the Village Board meeting of October 6, 2008**  
**Joe Cotton Ford, 175 W. North Avenue**  
**Request for Waiver to the Code for Proposed Promotional Signage**

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**PURPOSE**

The purpose of this memorandum is to coordinate a request by Joe Cotton Ford for Village Board action regarding proposed signage for an upcoming promotional event.

**DISCUSSION**

Bob Driver, Sales Manager for Joe Cotton Ford, has submitted a letter and plans that detail the various banners, pennants and balloons that the dealership would like to install in association with a promotional event that is proposed to begin on or about October 15 of this year. The event would run for 28 days. The dealership, which is celebrating its 34<sup>th</sup> anniversary in Carol Stream, wishes to promote the special sale event with pennants, banners and balloons that are not otherwise permitted by the Sign Code. Specifically, the dealership wishes to install the following:

- Eight vinyl banners, measuring 24 square feet in area (three feet by eight feet), attached between the light poles facing North Avenue, containing various messages such as "Huge Sale-A-Bration", "3.9% Financing on Used Cars", "Joe Cotton Ford 34<sup>th</sup> Anniversary Sale-A-Bration", and "0% Financing on New Cars".
- Two vinyl banners, measuring 24 square feet in area (three feet by eight feet), attached to the front of the building, each containing one of the messages listed above.
- Three rows of fiesta pennants strung across the front of the property attached to the light poles, as shown on the attached plan.
- 10-inch helium balloons attached to each vehicle offered for sale on the property.

The Sign Code provides very limited opportunity for promotional event signage such as that proposed by Joe Cotton Ford. For *grand opening events only*, the Sign Code allows one banner attached to the building per street frontage, and pennants attached to the light poles. To allow additional grand opening signage, a business owner must submit plans for review and a decision by the Plan Commission. Since Joe Cotton's proposed event is *not* a grand opening event, the only signage that the Sign Code allows is one temporary banner, measuring a maximum of 32 square feet

in area, for a period of four weeks. The balloons, pennants and banners, other than the one temporary banner that is allowed, would not be permitted.

Bob Driver first contacted the Community Development Department regarding this matter on September 16. In discussing the timeframe for the review and scheduling of a formal Sign Code variation application that would be forwarded to the Plan Commission, Mr. Driver was disappointed that he would not be able to obtain the necessary approvals in time to hold the promotional event this October, as desired. In reviewing the matter, Village staff felt that the Village Board could act on Joe Cotton Ford's request under the quick approval/waiver to the code provision contained in Section 1-1-17 of the Village Code. Under this scenario, if so desired, the Village Board could approve the promotional event signage, with or without modifications, for the promotional event. Owing to the spirit and intent of the Waiver provision, staff has advised Mr. Driver that if Cotton Ford wishes to have a similar promotional event next year, they should file a formal application for relief from the Sign Code for consideration by the Plan Commission.

### **STAFF ANALYSIS**

With respect to promotional event signage for businesses, staff is of the opinion that the Sign Code regulations should strike a balance between allowing sufficient opportunity for reasonable promotional events, while also protecting community aesthetics. The current regulations are perceived by many in the business community as being very restrictive with respect to promotional event signage. Staff would like the Village Board's input as to whether the Board would be interested in a Sign Code text amendment that would provide greater opportunity for such signage.

Staff believes that the pennants, banners and balloons proposed by Joe Cotton Ford would certainly attract attention to the property and business. While the number of banners, balloons and pennants may be more than the amount that staff would ultimately be comfortable recommending in a future Sign Code text amendment, we feel that this would be a good opportunity for the Village Board, Plan Commission and Village staff to gain firsthand experience observing the appearance and impacts of this type of signage. Since this would be a one-time event of a fixed and limited duration, there is little or no risk to the Village, particularly if the Village wishes to use this experience in developing a future Sign Code text amendment related to promotional event signage.

### **RECOMMENDATION**

Staff recommends approval of the promotional event signage as proposed in the letter and plans from Bob Driver, dated September 24, 2008, subject to the following conditions:

- 1) That Joe Cotton Ford obtains the required permits for the temporary banners;
- 2) That the approval be limited to only one promotional event, lasting no more than 28 days, and that any future events would need to either comply with the Sign Code regulations, as may be amended, or that Joe Cotton Ford would need to receive approval of a formal Sign Code Variation.



RECEIVED

SEP 24 2008

COMMUNITY  
DEVELOPMENT DEPT

ILLINOIS 60188-2001  
175 W. NORTH AVENUE (ROUTE 64) BETWEEN 53 AND 59  
(630) 682-9200 FAX: (630) 682-3068

September 24, 2008

Mr. Don Bastian  
Assistant Community Development Director  
Village of Carol Stream  
500 N Gary Avenue  
Carol Stream, IL. 60188

Dear Mr. Bastian:

Joe Cotton Ford is currently celebrating its 34<sup>th</sup> year in business here in Carol Stream. And in order to call attention to this occasion, Joe Cotton Ford would like to create an event that would give the community an opportunity to celebrate with us.

The event would cover a 28 day period supported by advertising, balloons, banners and a community support activity such as proper child seat installation.

Attached are as much details as requested by your department. And we hope the Village will look favorably on this request for a limited temporary variance to the sign code. Thank you in advance for your consideration.

Sincerely,

Robert Driver  
Sales Manager  
Joe Cotton Ford, Inc.

Property:

1. The property is an 9 acre facility, with the building being approximately 75,000 SF. The property is used for the retail sale of new and used automobiles. It has 17 light poles across the front of the property facing North Avenue.

Promotional Signage and Effects:

1. (8) 3' X 8' vinyl banners attached between every other light pole facing North Avenue at a height of three feet above the tallest vehicle offered for sale parked facing North Avenue. Attached by nylon (white) rope. (Example Attached)
2. (2) 3' X 8' vinyl banners, one attached to the center of the front of the building hanging from the roof secured by nylon rope. The other hanging from the building directly to the right of the service department entrance, attached the same as the above-mentioned banner. (Example Attached)
3. Fiesta Pennants: to be strung across the front of the property (three rows) attached to all 17 light poles. (Example Attached)
4. Balloons: 10" standard helium filled balloons to be attached to each vehicle Offered for sale. Attached by string. (Example) Attached.

This type of promotion in this way has never been tried here at Joe Cotton Ford. We believe that this will call much needed attention to the dealership and provide increased sales and community awareness to the improved quality of our vehicles, promote increased fuel economy and direct attention to our 34<sup>th</sup> anniversary celebration.

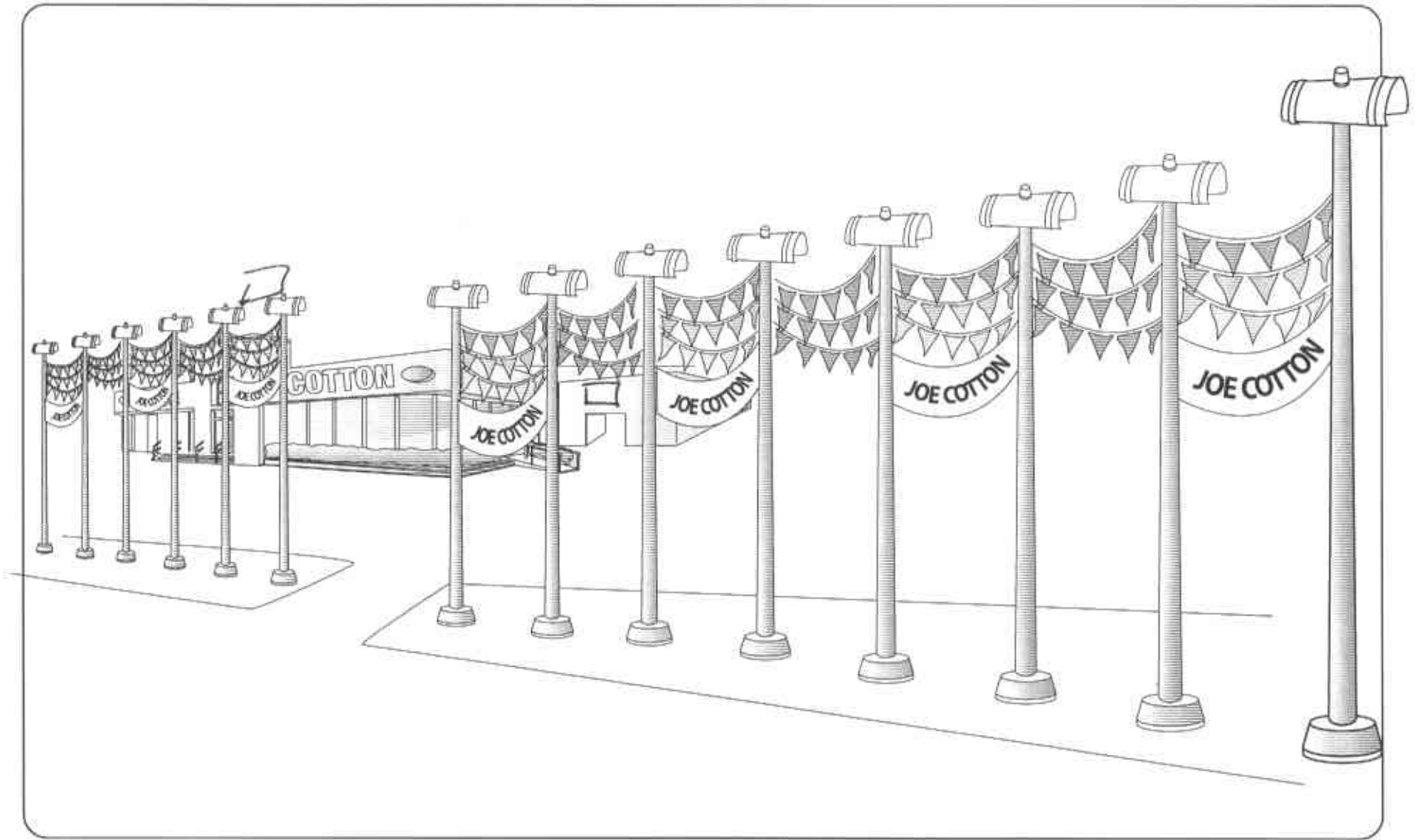
We do not believe that this limited temporary signage and promotional effects will have any negative impacts on traffic or the community.

***HUGE SALE A BRATION  
SAVINGS ON ALL  
USED CARS IN STOCK***

**3.9% FINANCING  
ON USED CARS**

***JOE COTTON FORD***  
***34<sup>TH</sup> ANNAVERSARY***  
***SALE A BRATION***

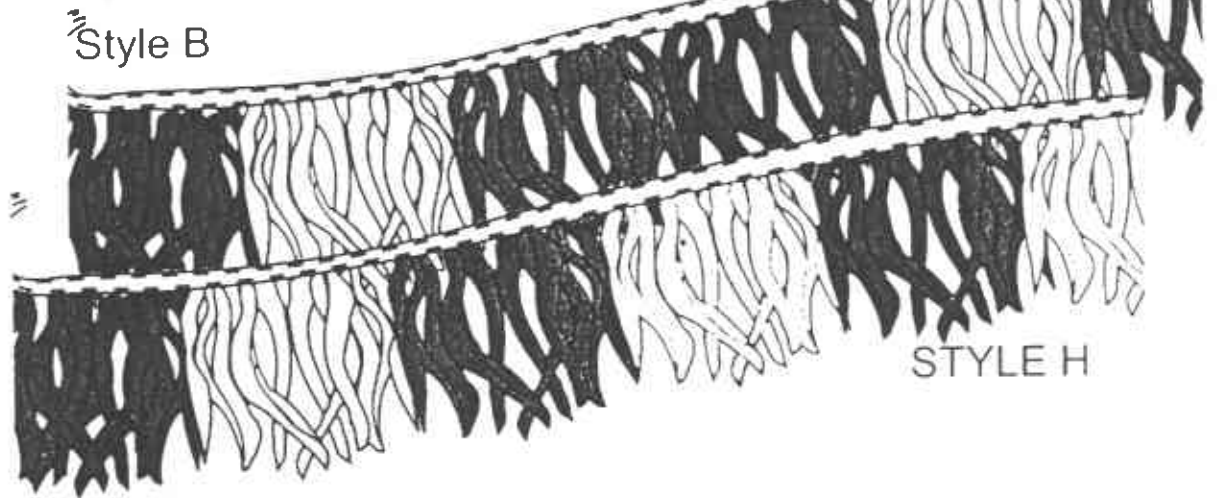
**0% FINANCING ON  
NEW FORDS**



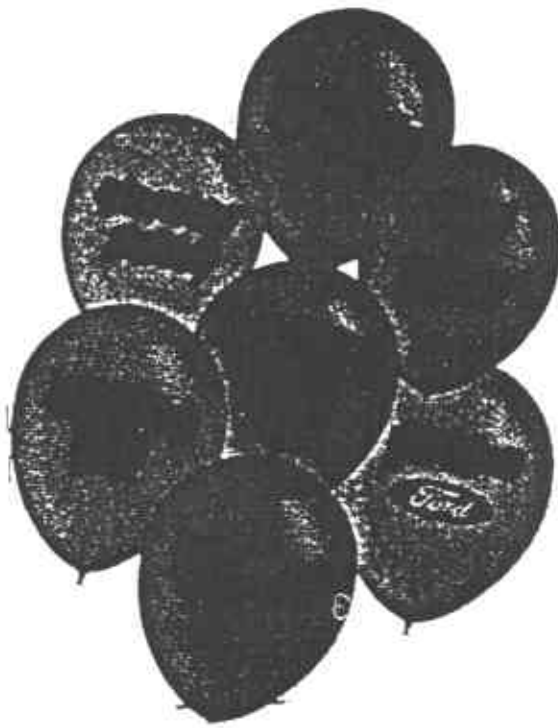
JOE COTTON FORD  
BANNERS  
Approximate sizing



# FIESTA PENNANTS



FIESTA PENNANTS (3 ROWS) ATTACHED TO LIGHT POLES ACROSS THE ENTIRE FRONT OF THE DEALERSHIP. TO BE LOCATED AT THE HEIGHT JUST ABOVE ATTACHED BANNERS RED WHITE AND BLUE IN COLOR



STANDARD 10" BALLOON ATTACHED (VIA  
STRING) TO EACH VEHICLE OFFERD FOR  
SALE (HELIUM FILLED) ESTIMATED COUNT  
250-300 BALLOONS

**AGENDA ITEM**

J-2 10-6-08

*Village of Carol Stream*  
**INTER-DEPARTMENTAL MEMO**

**TO:** Trustees  
**FROM:** Frank Saverino, Sr., Mayor  
**DATE:** October 2, 2008  
**RE:** Plan Commission/Zoning Board of Appeals Appointment

Attached for your review and consideration is a letter from Timothy McNally requesting appointment to the PC/ZBA. I met with McNally and was impressed with his background and interest in serving in this capacity. I am recommending the appointment of Timothy McNally to the Plan Commission/Zoning Board of Appeals and seek your concurrence.

Attachment

VILLAGE OF CAROL STREAM SCHEDULE OF BILLS

October 6, 2008

**AGENDA ITEM**

K-1 10-6-08

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
<b>AFTERMATH INC</b>					
CONTAMINATED CELL CLN UP	245.00	01660100 53326	PRISONER CARE	HLDG CELL/BK AREA	
	<u>245.00</u>				
<b>AMERICAN PUBLIC WORKS ASSOCIATION</b>					
DE-ICING SEMINAR OCT 9TH	50.00	01670200 52223	TRAINING	MIKE SCARAMELLA	
	<u>50.00</u>				
<b>AVALON PETROLEUM COMPANY</b>					
GAS PURCHASES FOR FY 2009	26,680.00	01696200 53356	GAS PURCHASED	525976	20090009
	<u>26,680.00</u>				
<b>B &amp; F TECHNICAL CODE</b>					
BUILDING CONSULTANT FEES	150.00	01643700 52253	CONSULTANT	29136	20090086
BUILDING CONSULTANT FEES	375.00	01643700 52253	CONSULTANT	29162	20090086
BUILDING CONSULTANT FEES	434.69	01643700 52253	CONSULTANT	29094	20090086
BUILDING CONSULTANT FEES	521.62	01643700 52253	CONSULTANT	29152	20090086
BUILDING CONSULTANT FEES	547.70	01643700 52253	CONSULTANT	29149	20090086
BUILDING CONSULTANT FEES	721.62	01643700 52253	CONSULTANT	29165	20090086
BUILDING CONSULTANT FEES	895.50	01643700 52253	CONSULTANT	29107	20090086
BUILDING CONSULTANT FEES	895.50	01643700 52253	CONSULTANT	29181	20090086
BUILDING CONSULTANT FEES	895.50	01643700 52253	CONSULTANT	29182	20090086
BUILDING CONSULTANT FEES	1,564.87	01643700 52253	CONSULTANT	29109	20090086
BUILDING CONSULTANT FEES	1,778.87	01643700 52253	CONSULTANT	29170	20090086
	<u>8,780.87</u>				
<b>B &amp; H PHOTO &amp; VIDEO</b>					
TRAFFIC CAMERA-IMAGE GRANT	1,549.60	01662300 53350	SMALL EQUIPMENT EXPENSE	239354740	
	<u>1,549.60</u>				
<b>BASIC IRRIGATION SERVICES INC</b>					
CHECK PANALS FOR DAMAGE	180.00	01670400 52244	MAINTENANCE & REPAIR	12814	
	<u>180.00</u>				
<b>BAXTER &amp; WOODMAN INC</b>					
ENGINEERING SERV SW AREA WTR	875.00	04200100 54480	CONSTRUCTION	0137884	20080146
EVERGREEN & TUBEWAY LIFT STN	2,500.02	11740000 55488	STORMWATER UTILITIES	0137886	20090079
EVERGREEN & TUBEWAY LIFT STN	3,950.00	04101500 54480	CONSTRUCTION	0137885	20090079
WRC EAST DEMO - FINAL	1,097.00	04100100 54480	CONSTRUCTION	0136191	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
	<u>8,422.02</u>				
<b>BRUCE WALSTAD</b>					
REG FOR CLASS OCT 21 & 22	150.00	01662400 52223	TRAINING	CAROL NICKLES	
	<u>150.00</u>				
<b>COMED</b>					
SERV FOR 08/11 THRU 9/10	276.01	01670600 52248	ELECTRICITY	6827721000 9	
SERV FOR 8/11 THRU 9/10	39.08	06320000 52248	ELECTRICITY	1083101009 10	
SERV FOR 8/21 - 9/22	13.64	01670600 52248	ELECTRICITY	4483019016 9	
SERV FOR 8/21 - 9/22	149.60	06320000 52248	ELECTRICITY	6675448009 10	
SERV FRM 08/19 -9/18	323.01	06320000 52248	ELECTRICITY	6213120002 9	
SERV FRM 8/19 THRU 9/19	1,282.96	06320000 52248	ELECTRICITY	5853045025 9	
SERV FRM 8/20 - 9/22	166.61	01670600 52248	ELECTRICITY	1865134015 9	
SERV FROM 08/19 - 9/18	483.60	04101500 52248	ELECTRICITY	2496057000 10	
SERV FROM 8/19 - 9/18	39.22	04201600 52248	ELECTRICITY	2514004009 9	
SERV FROM 8/20 - 9/19	101.66	01670600 52248	ELECTRICITY	6337409002 9	
SERV FROM 8/20 - 9/22	131.27	01670600 52248	ELECTRICITY	0803155026 9	
SERV FROM 8/21 TO 9/19	275.21	04201600 52248	ELECTRICITY	0300009027 9	
SERV FROM 8/21 - 9/22	16.13	06320000 52248	ELECTRICITY	7219135017 10	
SERV FROM 8/21 - 9/22	49.70	04101500 52248	ELECTRICITY	2073133107 9	
SERV FROM 8/21 - 9/22	82.42	06320000 52248	ELECTRICITY	0030086009 9	
SERV FROM 8/21 - 9/22	101.89	06320000 52248	ELECTRICITY	3153036011 9	
SERV FROM 8/21 - 9/22	114.49	06320000 52248	ELECTRICITY	1353117013 9	
SERV FROM 8/21 - 9/22	114.84	06320000 52248	ELECTRICITY	6597112015 9	
SERV FROM 8/22 - 9/23	92.22	04101500 52248	ELECTRICITY	0291093117 10	
	<u>3,853.56</u>				
<b>COUNTY COURT REPORTERS INC</b>					
PLAN COMM MTG SEPT 22ND	150.00	01530000 52241	COURT RECORDER FEES	096922	
PLAN COMMISSOPM MTG SEPT 8	150.00	01530000 52241	COURT RECORDER FEES	096819	
	<u>300.00</u>				
<b>DAVID G BAKER</b>					
VLG BOARD MTG 9/15/08	125.00	01650100 52253	CONSULTANT	091508	
	<u>125.00</u>				
<b>DIRECTECH SOLUTIONS INC</b>					
COPIER EXP MTC 10/08 -9/2009	360.00	01662700 52226	OFFICE EQUIPMENT MAINTENAN	27731	
COPIER FOR SGT'S OFFICE	1,300.00	01662700 54412	OTHER EQUIPMENT	27730	
	<u>1,660.00</u>				
<b>DUPAGE COUNTY</b>					
DATA PROCESS FOR AUGUST	225.00	01620100 52257	GIS SYSTEM	5277	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
DATA PROCESS FOR AUGUST	225.00	01641700 52257	GIS SYSTEM	5277	
	<u>450.00</u>				
<b>DUPAGE COUNTY ANIMAL CARE &amp; CONTROL</b>					
ANIMAL CARE FOR AUGUST	155.00	01662700 52249	ANIMAL CONTROL	182 13999	
	<u>155.00</u>				
<b>DUPAGE COUNTY HUMAN SERVICES</b>					
FY09 TAXI CAB COUPONS	3,000.00	01520000 52250	DIAL-A-RIDE	645	20090115
	<u>3,000.00</u>				
<b>DUPAGE JUVENILE OFFICERS ASSOCIATION</b>					
ANNUAL CONF FEE OCT 22ND	75.00	01664700 52223	TRAINING	MATT HARRISON	
	<u>75.00</u>				
<b>DUPAGE MAYORS AND MANAGERS CONFERENC</b>					
MTG SEPT 17TH BREINIG	35.00	01590000 52222	MEETINGS	5428	
	<u>35.00</u>				
<b>ELLIOTT H GOLDSTEIN</b>					
LEGAL SERVICES RENDERED IL FOF	2,662.39	01570000 52238	LEGAL FEES	09/15/08	20090113
	<u>2,662.39</u>				
<b>ERYOPS BODYCRAFT INC</b>					
REPAIR ON SQUAD #675	1,194.23	01662750 52212	AUTO MAINTENANCE & REPAIR	113291	
	<u>1,194.23</u>				
<b>EXAMINER PUBLICATIONS INC</b>					
AD FOR OCTOBER FEST TWN CTR	180.00	01750000 52289	OCTOBERFEST	10133373	
	<u>180.00</u>				
<b>EXELON ENERGY INC</b>					
SERV FRM 8/19 - 9/18	2,433.59	04201600 52248	ELECTRICITY	3054113024 10	
SERV FROM 8/21 - 9/22	2,318.59	04201600 52248	ELECTRICITY	3963097040 10	
USAGE FOR 8/11 - 9/10	301.16	04101500 52248	ELECTRICITY	0111013079 9	
	<u>5,053.34</u>				
<b>FEDEX</b>					
INV SUMMARY SEPT 17TH	16.10	01650100 52229	POSTAGE	2 920 80212	
	<u>16.10</u>				
<b>GALLS</b>					
IMAGE GRANT-TRAFFIC EQUIP	1,021.81	01662300 53317	OPERATING SUPPLIES	59586649	
	<u>1,021.81</u>				
<b>HR SIMPLIFIED</b>					
COBRA NOTIFICATION MAY 2008	25.00	01600000 52273	EMPLOYEE SERVICES	20866	
	<u>25.00</u>				
<b>IEPA</b>					

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
WATER REVOLVING FUND	71,295.06	04100100 56491	LOAN INTEREST	BILL #8	
WATER REVOLVING FUND	143,030.13	04 25150	LOAN PAYABLE	BILL #8	
	<b>214,325.19</b>				
<b>ILLINOIS DARE OFFICERS ASSOCIATION</b>					
ANNUAL DUES FOR 2008 DARE	60.00	01664700 52234	DUES & SUBSCRIPTIONS	WELLS, RANWEILER	
	<b>60.00</b>				
<b>ILLINOIS SECRETARY OF STATE</b>					
NOTARY COMMISSION RENEWAL	10.00	01662600 52234	DUES & SUBSCRIPTIONS	TAMMY DUGO	
SQUADS 680,681,682,683,686	365.00	01662700 53317	OPERATING SUPPLIES	5 TITLE/PLATES	
	<b>375.00</b>				
<b>JULIE INC</b>					
LOCATES FOR AUGUST	114.30	01670300 52272	PROPERTY MAINTENANCE(NPDI 08 08 0351		
LOCATES FOR AUGUST	114.30	04101500 52272	PROPERTY MAINTENANCE(NPDI 08 08 0351		
LOCATES FOR AUGUST	114.30	04201600 52272	PROPERTY MAINTENANCE(NPDI 08 08 0351		
	<b>342.90</b>				
<b>JAKE THE STRIPER</b>					
NEW DECALS FOR SQUAD 675	75.00	01662750 52212	AUTO MAINTENANCE & REPAIR	8233	
	<b>75.00</b>				
<b>JAMES KNUDSEN</b>					
AUG 16-23RD CONFR APWA	202.07	01622200 52223	TRAINING	REIMB APWA CONFR	
	<b>202.07</b>				
<b>JEREMY KALINOWICZ</b>					
MEAL PER DIEM TRNG 10/19-31ST	735.00	01662300 52223	TRAINING	RECONSTR I MEALS	
	<b>735.00</b>				
<b>KANE COUNTY CLERK</b>					
NOTARY COMMISSION RENEWAL	10.00	01660100 52234	DUES & SUBSCRIPTIONS	A M FORD	
	<b>10.00</b>				
<b>KANSAS STATE BANK</b>					
10 MONTHLY PAYMENTS FOR VOICE	253.00	01660100 52226	OFFICE EQUIPMENT MAINTENAN	PAYMENT 46	20090050
	<b>253.00</b>				
<b>KINETIC DISTRIBUTORS INC</b>					
ELKAY WATER COOLER	441.00	01680000 53319	MAINTENANCE SUPPLIES	17079	
	<b>441.00</b>				
<b>KPW TRUCKING INC</b>					
	510.00	06320000 53347	CA-6	278	20090083
	1,079.31	06320000 53336	SAND	278	20090083
CA6 AND SAND DELIVERY	220.38	06320000 53336	SAND	271	20090083
CA6 AND SAND DELIVERY	1,038.75	06320000 53347	CA-6	271	20090083

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
<b>MATTHEW YORK</b>	<b>2,848.44</b>				
IPSI CONF OCT 5 THRU 10TH	105.83	01670100 52223	TRAINING	IPSI MEALS	
	<b>105.83</b>				
<b>MB FINANCIAL BANK</b>					
ANALYSIS CHRGS JAN 08-JUL 08	1,052.07	01610100 52256	BANKING SERVICES	200	
	<b>1,052.07</b>				
<b>MORONI &amp; HANDLEY</b>					
PROF SERV'S RENDERED AUGUST	2,375.00	01570000 52235	LEGAL FEES-PROSECUTION	AUGUST	
	<b>2,375.00</b>				
<b>MUNICIPAL CLERKS OF ILLINOIS</b>					
MEMB RNWL MELODY & PROGAR	80.00	01580000 52234	DUES & SUBSCRIPTIONS	OCT 2008-SEPT 2009	
	<b>80.00</b>				
<b>NICOR GAS</b>					
SERV FOR AUG 8 THRU SEPT 8	61.60	04201600 52277	HEATING GAS	86 60 60 1117 8 9	
SERV FROM AUG 6 - SEPT 5	20.82	04201600 52277	HEATING GAS	13 81 12 1000 7 9	
	<b>82.42</b>				
<b>NOTARIES ASSOCIATION OF ILL INC</b>					
COMMISSION RENEWAL -T DUGO	38.00	01662600 52234	DUES & SUBSCRIPTIONS	TAMMY DUGO	
	<b>38.00</b>				
<b>OMI</b>					
08/09 WRC OPERATIONS	122,410.42	04101100 52262	OMI CONTRACT	43744	20090002
FOR DESIGN & BUILD PROJECT FOF	11,210.46	04100100 54480	CONSTRUCTION	43867	20080200
	<b>133,620.88</b>				
<b>ONESTI ENTERTAINMENT CORP</b>					
2ND INSTALLMENT OF 2008 EVENT	7,750.00	01750000 52287	SUMMER IN THE CENTER	5420	20090001
	<b>7,750.00</b>				
<b>OPERATION SUPPORT OUR TROOPS</b>					
DONATION -LEONARD J GULCZYNSI	100.00	01600000 52242	EMPLOYEE RECOGNITION	L GULCZYNSKI II	
	<b>100.00</b>				
<b>PROFILE GRAPHICS INC</b>					
FALL CS CORRESPONDANT 2008	3,999.70	01520000 52240	PUBLIC NOTICES/INFORMATION	8079	
	<b>3,999.70</b>				
<b>QUALITY CONCRETE LIFTING INC</b>					
MUDJACKING AT VARIOUS LOCATIC	2,015.00	01670500 52272	PROPERTY MAINTENANCE(NPDI	3132	20090111
	<b>2,015.00</b>				
<b>RADCO COMMUNICATIONS INC</b>					
5 CODE 3 2147 LED LIGHTBARS WI	8,590.00	01662700 54412	OTHER EQUIPMENT	72858	20090114



<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
	<b>8,590.00</b>				
<b>RED HAWK</b>					
INSTALLATION OF CAMERA IN THE	2,970.00	01680000 52244	MAINTENANCE & REPAIR	179171	20090112
	<b>2,970.00</b>				
<b>RELY MAINTENANCE INC</b>					
CRACKFILLING OF LOT	450.00	01680000 52244	MAINTENANCE & REPAIR	3986	
	<b>450.00</b>				
<b>S T S CONSULTANTS LT</b>					
PROF SRV THRU 8/22/08 FNL INV	495.00	01621900 52253	CONSULTANT	N33629	
SERV'S RENDERED THRU 8/8/08	320.00	01621900 52253	CONSULTANT	N33115	
	<b>815.00</b>				
<b>SERVICE FORMS &amp; GRAPHICS INC</b>					
C/R FORMS	227.47	01612900 53315	PRINTED MATERIALS	125056	
	<b>227.47</b>				
<b>SIKICH LLP</b>					
AUDIT SERVICES THRU FISCAL YEA	1,500.00	01520000 52237	AUDIT FEES	97433	20090054
	<b>1,500.00</b>				
<b>STAN HELGERSON</b>					
SPRINGFIELD IL MILEAGE, PR DIE	30.00	01610100 52222	MEETINGS	DOI ADV MTG REIMB	
SPRINGFIELD IL MILEAGE, PR DIE	266.18	01610100 53313	AUTO GAS & OIL	DOI ADV MTG REIMB	
	<b>296.18</b>				
<b>THOMAS F HOWARD JR</b>					
LEGAL SERVICES FOR SEPT	7,755.00	01570000 52238	LEGAL FEES	148	
	<b>7,755.00</b>				
<b>THOR GUARD INC</b>					
BRACKET AND BATTERIES	288.77	01680000 53319	MAINTENANCE SUPPLIES	24569	
	<b>288.77</b>				
<b>TRANSYSTEMS CORPORATION</b>					
ENGINEERING SERVICES -PHASE 1	5,679.60	11740000 55486	ROADWAY CAPITAL IMPROVEME	2(1430127)	20090015
	<b>5,679.60</b>				
<b>TYLER TECHNOLOGIES INC</b>					
APPLICATION SOFTWARE LIC AND M	4,850.02	01610100 54413	COMPUTER EQUIPMENT	136480	20080007
	<b>4,850.02</b>				
<b>U S POST OFFICE</b>					
POSTAGE FOR FALL COORESpond	2,279.34	01520000 52240	PUBLIC NOTICES/INFORMATION	FALL 2008	
	<b>2,279.34</b>				
<b>UNITED POWER &amp; BATTERY</b>					
BATTERIES	93.68	01652800 53350	SMALL EQUIPMENT EXPENSE	2922	

<u>VENDOR NAME</u>	<u>AMOUNT</u>	<u>ACCT #</u>	<u>ACCT DESCRIPTION</u>	<u>INVOICE</u>	<u>PO NUMBER</u>
REPLACEMENT BATTERIES	211.60	01652800 53350	SMALL EQUIPMENT EXPENSE	3081	
	<u>305.28</u>				
<b>VILLAGE OF CAROL STREAM - CASH</b> USG FOR 08/09 THRU 09/07	529.48	01680000 52277	HEATING GAS	111372 9	
	<u>529.48</u>				
<b>VILLAGE TAVERN &amp; GRILL</b> 2008 OCTOBERFEST MEAL REIMB	250.00	01750000 52289	OCTOBERFEST	MEAL REIMB	
	<u>250.00</u>				
<b>WEST SUBURBAN BANK</b> ANNL SAFE DEP BOX	75.00	01610100 52256	BANKING SERVICES	10/2008-10/2009	
	<u>75.00</u>				
<b>WM HORN STRUCTURAL STEEL CO</b> SQUARE TUBES	720.00	01670400 53317	OPERATING SUPPLIES	93083A	
	<u>720.00</u>				
	<u><u>474,331.56</u></u>				

The preceding list of bills payable totaling \$ 474,331.56 was reviewed and approved for payment.

**Approved by:**

  
\_\_\_\_\_  
Joseph E Breinig - Village Manager

**Date:** 10/3/08

**Authorized by:**

\_\_\_\_\_  
Frank Saverino Sr. - Mayor

\_\_\_\_\_  
Beth Melody - Village Clerk

**Date:** \_\_\_\_\_

AGENDA ITEM  
K-2 10-6-08

ADDENDUM WARRANTS  
Sept 16, 2008 thru Oct 6, 2008

Fund	Check #	Vendor	Description	Amount
General	A C H	Oak Brook Bank	Payroll Aug 25 - Sept 7, 2008	512,693.47
Water & Sewer	A C H	Oak Brook Bank	Payroll Aug 25 - Sept 7, 2008	33,510.64
General	A C H	Oak Brook Bank	Payroll Sept 8 - Sept 21, 2008	484,827.54
Water & Sewer	A C H	Oak Brook Bank	Payroll Sept 8 - Sept 21, 2008	36,637.21
General	A C H	Ill Funds	Dupage Water Commission - August 2008	<u>162,520.80</u>
				<u>1,230,189.66</u>

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008

By: \_\_\_\_\_  
Frank Saverino, Sr. - Mayor

\_\_\_\_\_  
Beth Melody, Village Clerk