

# *Village of Carol Stream*

## **BOARD MEETING AGENDA DECEMBER 4, 2006**

*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 November 20, 2006 Meeting.

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

1. Proclamation: Designating December 2006 Autism Awareness Month in Carol Stream
2. Proclamation: Declaring December 2006 National Drunk & Drugged Driving Prevention Month.
3. Presentation by Youth Council.

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

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

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

- a. #06258 – Mazhar Tabrezi, 1358 Tall Oaks  
*Subdivision Code Variation – Lot Width for Circular Driveway*  
CONTINUED FROM THE A11-13-06 MEETING  
**RECOMMEND DENIAL (6-0).**  
*For a circular drive to be located on an 82-wude residential lot.*
- b. #06272 – Parkway Bank, 908 W. Army Trail Road  
*Special Use – Drive-up-Window*  
**RECOMMENDED DENIAL (4-2)**  
*Special Use Bank*  
CONTINUED FROM THE 11-13-06 MEETING  
**RECOMMENDED APPROVAL (5-1)**  
*Zoning approvals for a new bank in the County Farm Plaza shopping center. **For information only. Applicant has withdrawn application. No Village Board Action required.***
- c. #06304 – Skyline Plastering, 232-236 Westgate Drive  
*Special Use Permit – Contractor’s Office and Shop*  
**RECOMMENDED APPROVAL (6-0)**

# Village of Carol Stream

## BOARD MEETING

### AGENDA

DECEMBER 4, 2006

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*Zoning approval for an existing local contractor to move to a new location in the Village.*

- d. #06092 – Peacock Engineering, 720 Center Street  
*Special Use Permit – Outdoor Activities and Operations*  
**RECOMMENDED APPROVAL WITH CONDITIONS (6-0)**  
*Zoning approval for an outdoor storage tank.*
  
- e. #06289 – Leslie Coker, 904 Forest Lane  
*Variation – Zoning Code*  
**RECOMMENDED APPROVAL WITH CONDITIONS (6-0)**  
*Zoning approval to allow an existing gazebo to remain as constructed.*
  
- f. #03038 – Kenneth Flanagan, 211-231 E. St. Charles Road  
*Plat of Consolidation*  
**RECOMMENDED APPROVAL WITH CONDITIONS (5-0)**  
*Approval of a Plat to consolidate three lots into one lot.*

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

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

- 1. Approval to Purchase Administrative Vehicles (Police Department).  
*Police Department requests Village Board to authorize the purchase of two 2007 Ford Explorers under State bid contract.*
  
- 2. Award of Contract – Carnival Amusement Services.  
*Award of contract to Carnival Amusement Services for the 2007 Four-Day Summer in the Center Events.*

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

- 1. Ordinance No. \_\_\_\_\_, Granting a Special Use for a Contractor's Office and Shops (232-236 Westgate Drive). *See E1c.*
  
- 2. Ordinance No. \_\_\_\_\_, Granting a Special Use for Outdoor Activities and Operations (Peacock Engineering, 720 Center Street). *See E1d.*
  
- 3. Ordinance No. \_\_\_\_\_, Granting a Rear Yard Setback Variation (904 Forest Lane). *See E1e.*

# Village of Carol Stream

## BOARD MEETING

### AGENDA

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4. Ordinance No. \_\_\_\_\_, Amending Chapter 8, Article 5: Traffic Schedules, Schedule III, Speed Limits on Specific Streets.  
*Part of the engineering study to reconstruct Fair Oaks Road recommends that the speed limit be reduced from 40 mph to 30 mph. Staff recommends revision to Chapter 8: Traffic Code.*
5. Ordinance No. \_\_\_\_\_, Amending Chapter 11, Article 2 of the Carol Stream Code of Ordinances by Decreasing the Number of Class F Liquor Licenses from 8 to 7 (Kinta Sushi, 135 Hiawatha Drive). *Business being sold.*
6. Ordinance No. \_\_\_\_\_, Amending Chapter 11, Article 2 of the Carol Stream Code of Ordinances by Increasing the Number of Class F Liquor Licenses from 7 to 8 (Kinta Japanese Restaurant, 135 Hiawatha Drive). *Change in ownership, new license to be issued.*

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

1. Resolution No. \_\_\_\_\_, Authorizing the Execution of a Memorandum of Agreement (Packaging Personified, Inc. Project).  
*Request from Packaging Personified on Kehoe Boulevard for consideration of the issuance of \$7.0 million in Industrial Revenue Bonds at no obligation to the Village.*
2. Resolution No. \_\_\_\_\_, Approving a Final Plat of Consolidation (211-231 E. St. Charles Road).  
*See E1f.*

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

1. Approval of Labor Agreement with Service Employees International Union #73.
2. Request for an Easement Encroachment to allow an Existing Gazebo to Remain as Constructed (904 Forest Lane).

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

1. Regular Bills:
2. Addendum Warrant:

*Village of Carol Stream*

**BOARD MEETING  
AGENDA  
DECEMBER 4, 2006**

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

**L. REPORT OF OFFICERS:**

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

**M. EXECUTIVE SESSION:**

1. Collective Negotiating Matters.

**N. ADJOURNMENT:**

**LAST ORDINANCE: 2006-11-67**

**LAST RESOLUTION: 2233**

**NEXT ORDINANCE: 2006-12-68**

**NEXT RESOLUTION: 2234**

**REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES**

**Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois**

**November 20, 2006**

Mayor Ross Ferraro called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. Cub Scout Den 10, Pack 175 from Evergreen School presented the Colors and led those in attendance in the Pledge of Allegiance.

**MINUTES:**

Trustee Fenner moved and Trustee McCarthy made the second to approve the Minutes of the Meeting of November 6, 2006 as presented. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner
Nays:	0	
Abstain:	1	Trustee Shanahan
Absent:	0	

Mayor Ferraro announced that he will not be run again for Mayor at the next election. He thanked his wife for her support over the last 20 years.

Trustee Tom Shanahan stated that he also will not be seeking re-election as Village Trustee.

**AUDIENCE PARTICIPATION AND PUBLIC HEARING:**

Robert Douglas, as a resident of Carol Stream, thanked the Board for the prairie plantings that were put in the ponds. This is the first year that the plantings have reached their full effect and it was beautiful this summer. As the President of the Carol Stream Library Board of Trustees, Mr. Douglas said that as a municipal Library, the Village Board must approve some of what is done by the Library Board. Recently, the Library has completed meetings by the Citizen's Committee and one of the things that was determined is that the Library Board needs to improve communication with the public as well as the other elected officials in the Village. The results of the meetings of the Citizens Committee to examine the roll of the Library in the community in the coming years and how best the Library could fill those rolls and get the message of provided services out to the broader community. As reported to the Library Board on November 8<sup>th</sup>, the Committee found that; the Library maintains a high level of service to its patrons from capable and conscientious staff; though the Library provides a variety of materials and service, a larger and more diverse collection of both print and audio books, CDs and DVDs are desired by the public; Additional space is needed to house such a collection and to provide for amenities such as comfortable reading, quiet study space and additional items such as drive-up book drops, etc. The Library needs a marketing plan to alert the citizenry to the services it provides, aside from just lending books. It was suggested that we make better use of the Internet, our newsletter and cable to promote ourselves as well as to coming to Village Board meetings periodically to report on happenings at the Library. The final consensus of opinion is that new space be constructed for the Library to allow for many of the suggested improvements and services. There is nothing that was given to the committee as to what type of new space that should be constructed, but based on input, the work of the committee, and the fiscal and practical problems of expanding on the current site, it was determined that the Library should once again seek through referendum, funds to construct a new facility at the Kuhn Road site. The Library Board will be voting on the issue at its December 20<sup>th</sup> meeting and he invited all of the Board members to come to that meeting to see the presentation by the architect of what is being proposed. The meeting will actually be held here in the Boardroom. Mayor Ferraro thanked Mr. Douglas for his report.

Mayor Ferraro asked for a motion to concur with the appointment of Angelo Christopher to the Combined Plan Commission/Zoning Board of Appeals. Trustee McCarthy moved and Trustee Saverino made the second. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan  
Nays: 0

Angelo Christopher was then sworn in as a Commissioner.

**CONSENT AGENDA:**

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

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan  
Nays: 0

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

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan  
Nays: 0

1. No Action Required: Tabled at Plan Commission level: Spina Commercial, Subdivision Code Variation, 1358 Tall Oaks Drive, and Parkway Bank, 908 ATR
2. Zoning Code Variance: American Legion Post 76-Ord. 2006-11-66
3. Text Amendment- Sign Code - Ord. 2006-11-67
4. Budget Transfers
5. Budget Amendments– Ord. 2006-11-59
6. Snow Removal Plan –2006-07
7. Contractual Snow Removal Agreements
8. Amend Code-Amend Traffic – 2006-11-60
9. Amend Code – Decrease Class C Liq. Lic. –Ord., 2006-11-61-Malloy's
10. Amend Code – Increase Class C Liq. Lic. – Ord. 2006-11-62 – P&M Finest
11. Amend Code - Decrease Class C Liq. Lic. – Ord. 2006-11-63 – Wine & Spirits-Geneva
12. Amend Code – Increase Class C. Liq. Lic. – Ord. 2006-11-64-Wine & Spirits - Geneva
13. Amend Code – Increase Class F Liq. Lic. - Ord. 2006-11-65 – Wing Stop
14. Resolution 2230 – Approve plat of vacation – 575 St. Paul Blvd.
15. Resolution 2231 – Accept Grant of easement – 575 St. Paul Blvd.
16. Resolution 2232 – Declare Surplus Property – radar units as trade units
17. R. 2233 – Authorize Execution of Intergovt. Agree. Glendale Hgts. Police shooting range
18. Regular Bills, Addendum Warrant of Bills – Treasurer's Report

Trustee Shanahan asked how many independent contractors for snow removal are there and was told that there are and was told there are 7 contractors and they are paid based on the type of equipment they use. This is the first year that there is an increase of 2 additional contractors for the last four years.

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

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan

Nays: 0

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

**Zoning Code Variance: American Legion Post 76-Ord. 2006-11-66:**

At their meeting on November 13, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a variance from the Gary Avenue Corridor requirements in the Subdivision Code to allow existing rooftop mechanical equipment to remain unscreened in accordance with the conditions noted in the staff report. The Board concurred with the recommendation and adopted Ordinance 2006-11-68, AN ORDINANCE GRANTING A VARIATION FOR ROOFTOP EQUIPMENT SCREENING (AMERICAN LEGION POST NO. 76, 570 S. GARY AVENUE).

**Text Amendment- Sign Code - Ord. 2006-11-67:**

At their meeting on November 13, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a text amendment for the Sign Code in accordance with the conditions in the staff report. The Board concurred with the recommendation and adopted Ordinance 2006-11-67, AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 11 OF THE MUNICIPAL CODE OF THE VILLAGE OF CAROL STREAM – (SIGN CODE).

**Budget Transfers:**

The Board approved budget transfer requests for the Legislative Board – Operating Supplies, Town Center – Expenses for various activities held at the Town Center and Police Pension Fund – attendance at the IPPFA Conference in Collinsville.

**Budget Amendments– Ord. 2006-11-59:**

The Board adopted Ordinance 2006-11-59, AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE VILLAGE OF CAROL STREAM FOR THE YEAR COMMENCING MAY 1, 2006 AND ENDING APRIL 30, 2007. This includes amendments for Police-Consultant Account, Building Maintenance-Other Equipment, Construction and Water and Sewer-Construction.

**Snow Removal Plan –2006-07:**

The Board approved the Snow Removal Plan for 2006-07 as prepared by Public Works Director, John A. Turner.

**Contractual Snow Removal Agreements:**

The Board approved Contractual Snow Removal Agreements with the following Independent Contractors: D&M Services, Carol Stream, Kammes Auto & Truck Repair Inc., Bloomingdale, Olive Grove Landscaping, Carol Stream, S&S Maintenance, West Chicago, Tautges Trucking, Schaumburg, T.C.L. Excavating, Genoa, and U.S. Paving, Carol Stream.

**Amend Code-Amend Traffic – 2006-11-60:**

The Board adopted Ordinance 2006-11-60, AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6 OF THE CAROL STREAM TRAFFIC CODE – PARKING SCHEDULES – (PARKING RESTRICTIONS ALONG POCAHONTAS).

**Amend Code – Decrease Class C Liq. Lic. –Ord., 2006-11-61-Malloy’s:**

The Board adopted Ordinance 2006-11-61, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY DECREASING THE

NUMBER OF CLASS C LIQUOR LICENSES FROM 16 TO 15 – (MALLOY'S FINEST WINES & SPIRITS, 521 S. SCHMALE ROAD).

**Amend Code – Increase Class C Liq. Lic. – Ord. 2006-11-62 – P&M Finest:**

The Board adopted Ordinance 2006-11-62, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS C LIQUOR LICENSES FROM 15 TO 16 – (P & M FINEST WINES & SPIRITS, 521 S. SCHMALE ROAD).

**Amend Code - Decrease Class C Liq. Lic. – Ord. 2006-11-63 – Wine & Spirits-Geneva Rd.:**

The Board adopted Ordinance 2006-11-63, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY DECREASING THE NUMBER OF CLASS C LIQUOR LICENSES FROM 16 TO 15 – (WINE & SPIRITS DEPOT, 879 E. GENEVA ROAD).

**Amend Code – Increase Class C. Liq. Lic. – Ord. 2006-11-64-Wine & Spirits – Geneva:**

The Board adopted Ordinance 2006-11-64, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS C LIQUOR LICENSES FROM 15 TO 16 – (WINE & SPIRITS DEPOT, 879 E. GENEVA ROAD).

**Amend Code – Increase Class F Liq. Lic. - Ord. 2006-11-65 – Wing Stop:**

The Board adopted Ordinance 2006-11-65, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS F LIQUOR LICENSES FROM 7 TO 8 – (WING STOP, 566 W. ARMY TRAIL ROAD).

**Resolution 2230 – Approve plat of vacation – 575 St. Paul Blvd.:**

The Board adopted Resolution 2230, A RESOLUTION APPROVING A PLAT OF VACATION – INTERNATIONAL TRUCK & ENGINE - 575 ST. PAUL BOULEVARD.

**Resolution 2231 – Accept Grant of easement – 575 St. Paul Blvd.:**

The Board adopted Resolution 2231, A RESOLUTION ACCEPTING A GRANT OF STORMWATER MANAGEMENT AND CONVEYANCE EASEMENT – INTERNATIONAL TRUCK & ENGINE, 575 ST. PAUL BOULEVARD.

**Resolution 2232 – Declare Surplus Property – radar units as trade units:**

A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM – (SURPLUS RADAR EQUIPMENT).

**R. 2233 – Authorize Execution of Intergovt. Agree. Glendale Hgts. Police shooting range:**

The Board adopted Resolution 2233, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF CAROL STREAM AND THE VILLAGE OF GLENDALE HEIGHTS – (USE OF GLENDALE HEIGHTS FIRING RANGE).

**Regular Bills, Addendum Warrant of Bills – Treasurer's Report:**

The Board approved the payment of the Regular Bills in the amount of \$732,193.48.  
The Board approved the payment of the Addendum Warrant of Bills in the amount of \$630,656.26.

The Board accepted the Treasurer's Report for the month ending October 31, 2006.



**REGULAR MEETING:**

Request from Kenneth Flanigan for Extension of the Deadline for Compliance with the Conditions of Approval for the Special Uses Granted by Ordinance 2006-09-43 through 2006-09-48 for the property at 211-231 E. St. Charles Road.

Trustee Saverino said that he does not have a problem with giving an extension, but not for a time period to November of 2007, since the paving problem could be the same then as it is now. Mr. Breinig said that if a six month extension was granted that would be in the middle of the construction season, so the reason for a one year extension will allow them ample time to get it done and if at the end of one year there would be no mercy if it were not completed.

Trustee Saverino suggested that by the end of September, 2007 should be a reasonable time extension.

Aaron Reinke, representing St. Charles Building Partners, said that the biggest problem is cash flow. All of the improvements needed on the property will be funded by lease/rental income and they do not have that cash coming in. Mayor Ferraro asked if the buildings don't get rented is the petitioner going to ask for an extension again next year, and Mr. Reinke said that it is their intent to have the necessary cash flow with the one year to finance the improvements. Mayor Ferraro said that he understands what the intent would be, but now this is about cash flow, not about asphalt production.

Attorney Diamond stated that the Board could require an irrevocable letter of credit, but if the extension is given to September 1<sup>st</sup> the owners know that it has to be done by that date, and the suggested earlier date gives the Village an opportunity to respond if the project is not completed. Mayor Ferraro said that he would not have a problem with a letter of credit.

Trustee Fenner asked how long it would take to accomplish all the improvements that are required and she was told it would be approximately two to three months worth of work. She then suggested that the extension be granted until August 1<sup>st</sup> and if the work is not complete by that time the Board requires a Letter of Credit.

Trustee Stubbs asked if the tenants have leases and was told that they do. Mayor Ferraro asked if the Judge has made the decision yet regarding the property and he was told that the decision was made and that they have gained title to the triangle parcel. They have expended a significant amount of funds, and they are not interested in delaying this or dragging it out, it is simply a matter of getting the property cleaned up.

Trustee Saverino commented that he believes that November 20 is too much time and that August 1<sup>st</sup> is too soon. He said that he would like to see this resolved on a basis where bonds would not be required and that the work will be done in a timely manner without charges and courts and problems. He said that the end of September is more than enough time. Mr. Larry Meyers, representing Mr. Flanigan concurred and said that with the exception of one unit, the properties are all leased and it is hoped that it will be leased soon. He also noted that they do not want this to go on forever and with the reduced need for legal services, cash flow is expected to increase dramatically and they will do everything they can to get the improvements completed as quickly as possible.

Trustee Saverino moved and Trustee Gieser made the second to concur with the staff recommendation to approve of an extension of one year to November 30, 2007 with no further requests for extension. The results of the roll call vote were:

Ayes: 6      Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan  
Nays: 0

**REPORT OF OFFICERS:**

Trustee McCarthy said that the Tree Lighting Ceremony is this Friday and invited everyone to attend. He commented that Rob Douglas mentioned better communication between the Library Board and us and that this is a huge point and he would like to see that happen with them as

well as the Park Board. Mayor Ferraro commented that he has been an advocate for this for many years.

Trustee Saverino wished everyone a Happy Thanksgiving and he said that personally wants to thank Mayor Ross Ferraro for twenty years of service to this Village. He said that he is proud to live here, proud to sit on this Board with my fellow Trustees and the Village staff.

Trustee Fenner said that she will save her comments to Ross until April. Happy Thanksgiving and she hopes to see many residents at the Tree Lighting.

Trustee Shanahan said Happy Thanksgiving to all, and he commented that he has never sat on a Board with a bad Trustee and he said that it has been his pleasure to sit on the Board with Mayor Ferraro.

Trustee Stubbs wished everyone a Happy and Safe Thanksgiving and hopes to see everyone at the Tree Lighting Ceremony.

Trustee Gieser said to Ross and Tom, thank you for your service, thank you for the guidance provided to me and the other Board members. He said that he will have more to say in the weeks and months to come. Trustee Gieser wished all a Happy and Safe Thanksgiving. Don't forget the Tree Lighting.

Mayor Ferraro wished everyone a Happy Thanksgiving, see everyone on Friday night.

Trustee McCarthy moved and Trustee Saverino made the second to move to Executive Session to discuss Collective Negotiating Matters and the Continued Employment of a Specific Employee and to adjourn directly from that Session. The results of the roll call vote were:

Ayes: 6            Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan  
Nays: 0

FOR THE BOARD OF TRUSTEES

**PROCLAMATION**

**Designating December 2006 Autism Awareness Month in Carol Stream**

Whereas, Autism is a lifelong neurological disorder that is characterized by impaired social interaction and communication; and

Whereas, Autism is the 2<sup>nd</sup> leading and fastest growing childhood developmental disability worldwide affecting approximately 4-6 out of every 1,000 people and approximately 400,000 Americans; and

Whereas, groups such as the Autism Society of Illinois are committed to their mission of advocacy, support, education and providing awareness to families, professionals and community members toward an improved understanding of this disability; and

Whereas, Voices of Safety International, a standards development organization provides useful research reports at [www.voicesofsafety.com](http://www.voicesofsafety.com) on probable causes and prevention of the autism epidemic that can be of assistance to parents of an autistic child and to the general public; and

Whereas, it is known that with proper education, training and community living options, individuals with autism can lead distinguished, productive lives in their communities and strive to reach their fullest potential; and

Whereas, our Community supports increasing awareness of this challenging disability and fair funding for research and services for those in need; and

Whereas, until a cure is found, greater recognition and understanding is needed to ensure individuals with autism are accurately diagnosed and appropriately treated throughout their lifetimes.

**NOW THEREFORE BE IT PROCLAIMED THAT, I, MAYOR ROSS FERRARO,** proclaim the December 2006 as Autism Awareness Month in Carol Stream and encourage Carol Stream residents to develop a greater understanding of this complex disability that affects many in our community.

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Ross Ferraro, Mayor

ATTEST:

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Janice Koester, Village Clerk

# MAYORAL PROCLAMATION

## Declaring Dec. 2006 Natl. Drunk & Drugged Driving Prevention Month

**WHEREAS**, in 2004 motor vehicle crashes in Illinois killed over 1,356 residents and 44% (604) of those involved the use and abuse of alcohol by a motorist; and

**WHEREAS**, in 2004, more than 50,147 DUI arrests were recorded by the Illinois Secretary of State and 92% of those eligible lost their driving privileges; and

**WHEREAS**, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving; and

**WHEREAS**, for thousands of families across the nation, the December holidays are a sad time to remember loved ones they lost to an impaired driver during a previous holiday season; and

**WHEREAS**, community-based programs involving consumer education, effective laws, and strong law enforcement have been proven to be successful in reducing impaired driving; and

**WHEREAS**, organizations from every state are joining together for *Strengthening Safe Communities* this December by supporting anti-impaired driving programs and policies; and

**WHEREAS**, the Village of Carol Stream is a full partner in this effort to make our roads and streets safer;

**NOW THEREFORE BE IT RESOLVED THAT, I, MAYOR ROSS FERRARO**, proclaim the December 2006 National Drunk & Drugged Driving Prevention Month in Carol Stream and hereby call upon all citizens, government agencies, business leaders, hospitals, schools, and local civic organizations to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to provide opportunities for all to participate in *Strengthening Safe Communities* this December holiday season.

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Ross Ferraro, Mayor

ATTEST:

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Janice Koester, Village Clerk

AGENDA ITEM

Ela 12-4-06

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

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

**FROM:** John Svalenka, Village Planner *JS*

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

**DATE:** November 28, 2006

**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 06258, Mazhar H. Tabrezi, 1358 Tall Oaks Drive**  
**Subdivision Code Variation – Lot Width for Circular Driveway**

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Mazhar H. Tabrezi of 1358 Tall Oaks Drive has filed an application for a variation in accordance with Section 7-4-18(A)(3) of the Carol Stream Subdivision Code to allow a circular driveway on a lot having a width of less than 90 feet as measured at the front lot line.

The staff report presenting the requested variation, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on October 20, 2006. At the October 23, 2006, PC/ZBA meeting, there was not a quorum present. Therefore, the PC/ZBA members present voted to continue all items to the November 13, 2006, agenda. On November 13, 2006, the PC/ZBA opened the public hearing and heard public testimony. The PC/ZBA voted 5-0 to continue the public hearing to November 27, 2006, so as to allow the applicant more time to respond to questions raised at the public hearing. At their November 27, 2006, meeting, the PC/ZBA recommended denial of the variation by a vote of 6-0.

If the Village Board concurs with the Plan Commission/Zoning Board of Appeals recommendation, they should deny the requested variation.

If the Village Board should wish to approve the requested variation, a supermajority vote would be required, and staff should be directed to prepare the necessary ordinance for approval at the next Village Board meeting.

JDS:js

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

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

**FROM:** John Svalenka, Village Planner *JS*

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

**DATE:** November 28, 2006

**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 06272, Parkway Bank, 908 W. Army Trail Road**  
**Special Use Permit – Bank**  
**Special Use Permit – Drive-up Window**

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Mehran Farahmandpour of the architectural firm Maemar P.C., representing Rocco Suspenzi of Carol Stream Properties LLC, has filed an application for approval of a Special Use Permit for a Bank in accordance with Sections 16-9-3(C)(3) and 16-9-4(C)(1) of the Carol Stream Zoning Code and a Special Use Permit for Drive-up Service Window, ancillary to a permitted or special use in accordance with Sections 16-9-3(C)(12) and 16-9-4(C)(1) of the Carol Stream Zoning Code.

The staff report presenting the requested variation, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on November 10, 2006. At the November 13, 2006, PC/ZBA meeting, the PC/ZBA opened the public hearing and heard public testimony. The PC/ZBA voted 4-1 to continue the public hearing to November 27, 2006, so as to allow representatives of Parkway Bank to appear at the public hearing to respond to the Plan Commission's questions. At their November 27, 2006, meeting, the PC/ZBA recommended approval of the Special Use Permit for the Bank by a vote of 5-1, but recommended denial of the Special Use Permit for the Drive-up Window by a vote of 4-2. William Gleason, representative of Parkway Bank, indicated at the public hearing that Parkway Bank would not proceed with the bank without the drive-up service.

If the Village Board concurs with the Plan Commission/Zoning Board of Appeals recommendations of approval of the Special Use Permit for the Bank and denial of the Special Use Permit for the Drive-up Window, they should approve the requested Special Use Permit for the Bank and adopt the necessary Ordinance for that special use only. As indicated above, the petitioner has indicated he would likely not move forward with the bank without approval of the drive-up window.

If the Village Board should wish to approve the requested special use permit for the drive-up window, a supermajority vote would be required, and staff should be directed to prepare the necessary ordinance for approval at the next Village Board meeting.

JDS:js

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

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

**FROM:** John Svalenka, Village Planner *JS*

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

**DATE:** November 28, 2006

**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 06304, Skyline Plastering, 232-236 Westgate Drive**  
**Special Use Permit – Contractor’s Office and Shops**

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Chuck Bundrick, President of Skyline Plastering, has filed an application for approval of a Special Use Permit for a Contractor’s Office and Shops in accordance with §16-10-2 (B)(6) of the Carol Stream Zoning Code. Skyline Plastering, a commercial installer of EIFS systems, cement, and gypsum plaster systems, currently operates out of rented space at 472 Randy Road in Carol Stream. The business has outgrown the current location, and is currently under contract to purchase the subject property at 232-236 Westgate Drive.

The staff report presenting the requested Special Use Permit, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on November 22, 2006. At their November 27, 2006, meeting, the PC/ZBA recommended approval of the Special Use Permit for the Contractor’s Office and Shops by a vote of 6-0.

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

JDS:js

AGENDA ITEM

*Village of Carol Stream* Eld 12-4-06  
**Interdepartmental Memo**

**TO:** Joseph E. Breinig, Village Manager  
**FROM:** John Svalenka, Village Planner *JA*  
**THROUGH:** Robert J. Glees, Community Development Director  
**DATE:** November 28, 2006  
**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 06292, Peacock Engineering, 720 Center Street**  
**Special Use Permit – Outdoor Activities and Operations**

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Richard J. Schultz, representing Peacock Engineering, has filed an application for approval of a Special Use Permit for Outdoor Activities and Operations in accordance with §16-10-2 (B)(14) of the Carol Stream Zoning Code to allow a storage tank to be located outside the building at 720 Center Street. The tank would be used to store nitrogen, which would be used in the food manufacturing process inside the building.

The staff report presenting the requested Special Use Permit, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on November 22, 2006. At their November 27, 2006, meeting, the PC/ZBA recommended approval of the Special Use Permit, by a vote of 6-0, with the condition that pipe bollards be added to deter a vehicle from hitting the tank.

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

JDS:js



AGENDA ITEM

*Village of Carol Stream* Ele 12-4-06  
Interdepartmental Memo

**TO:** Joseph E. Breinig, Village Manager  
**FROM:** John Svalenka, Village Planner *JS*  
**THROUGH:** Robert J. Glees, Community Development Director  
**DATE:** November 28, 2006  
**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 06289, Leslie Coker, 904 Forest Lane**  
**Zoning Variation – Rear Yard Setback**

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Leslie Coker has filed an application for approval of a Zoning Variation for a reduced rear yard setback in accordance with §16-12-1(C)(3) of the Carol Stream Zoning Code to allow an existing 16'x16' gazebo at 904 Forest Lane to remain as constructed. The 256 square foot gazebo is well within the allowable lot coverage for the property, but is located approximately 2½ feet from the rear lot line rather than the required minimum ten feet. Staff has verified that when Ms. Coker purchased the home in 2005, the gazebo existed on the property and had been built by a previous owner without a building permit.

The staff report presenting the requested Zoning Variation, with supporting documentation, was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals (PC/ZBA) packet on November 22, 2006. At their November 27, 2006, meeting, the PC/ZBA recommended approval of the variation, with conditions, by a vote of 6-0.

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

JDS:js

# AGENDA ITEM

## *Village of Carol Stream* EIF 12-4-06 **Interdepartmental Memo**

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

**FROM:** John Svalenka, Village Planner *JS*

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

**DATE:** November 30, 2006

**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**PC/ZBA Case 03038, St. Charles Building Partners, 211-231 E. St. Charles**  
**Final Plat of Consolidation**

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In February 2003, St. Charles Business Partners submitted applications seeking to rezone the 211-231 E. St. Charles Road property from R-1 One Family Residence District to I Industrial District, seeking several Special Use Permits, and seeking approval of a Final Plat of Consolidation. The 211-231 E. St. Charles Road property is the approximate 1.54-acre tract containing an approximate 14,000 square foot metal industrial building located on the north side of St. Charles Road just east of Gary Avenue.

On September 5, 2006, the Village Board of Trustees approved Ordinances 2006-09-42 through 2000910-48, granting the rezoning and six special use approvals. The Final Plat of Consolidation was not brought forward to the Village Board at that time because the applicant had not yet obtained title to Parcel III of the Final Plat. On November 8, 2006, the applicant received title to Parcel III via Judgment Order.

The staff report with supporting documentation was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on August 25, 2006. At their August 28, 2006, meeting, the PC/ZBA recommended approval of the Final Plat of Consolidation by a vote of 5-0.

If the Village Board concurs with the PC/ZBA recommendation, they should approve the Final Plat of Consolidation and adopt the necessary Resolution.

JDS:js

c: Aaron Reinke, via fax, (630) 665-8670


# AGENDA ITEM


G-1 12-4-06

## Village of Carol Stream

### Interdepartmental Memo

**TO:** Joe Breinig, Village Manager

**REVIEWED AND APPROVED BY:**  Rick Willing, Chief of Police

**FROM:** Lieutenant Jerry O'Brien  #75

**DATE:** November 8, 2006

**RE:** Approval to purchase administrative vehicles

For the proposed 2006-2007 Fiscal Year budget, the department has identified a need to replace two Administrative vehicles.

This is consistent with our vehicle replacement plan that systematically identifies vehicles that are reaching their optimum service life. These vehicles will be transferred to other police department uses.

I recently received the State of Illinois bid for vehicles. The Ford Explorer XLT is one of these vehicles. This vehicle is suited as an Investigations vehicle and as an Administrative vehicle. Investigations will use this vehicle because it blends in with other vehicles and will not stand out as a police vehicle. As an SUV with folding seats we have the ability to configure the vehicle for surveillance equipment or tactical operations. This Administrative vehicle will be assigned to the Chief and also used to manage incidents. The state bid vendor is Landmark Ford, 2401 Prairie Crossing Drive, Springfield, IL 62707.

I am requesting approval from the Village Board to order two Ford Explorer XLT vehicles under the State of Illinois bid with delivery estimated around 60-90 days.

The total cost for the two Ford Explorer XLT vehicles with options is \$43,859.00. This total does not exceed the budgeted amount for the vehicle.



## ADDITIONAL OPTIONS AND ORDER FORM

PLEASE ENTER THE FOLLOWING

FORD FLEET NUMBER QF251

CONTACT NAME Lt. Jerry O'Brein

PHONE NUMBER 630-871-6216

PURCHASE ORDER NUMBER 466-2584

STATE TAX EXEMPT NUMBER E9997-4509-6

*Quantity*

2
---

**Check desired options**

<input type="checkbox"/>	6" LEFT HANDHELD SPOTLIGHT	309.00
<input type="checkbox"/>	* 3 OUTLET POWER SUPPLY	128.00
<input type="checkbox"/>	RUSTPROOF & UNDERCOAT	249.00
<input checked="" type="checkbox"/>	IGNITION OVERRIDE	315.00
<input checked="" type="checkbox"/>	ENGINE BLOCK HEATER	34.00
<input type="checkbox"/>	UNDERCOAT	165.00
<input type="checkbox"/>	ROOF RAIL CROSS BARS	90.00
<input type="checkbox"/>	4.6L V8	1200.00
<input type="checkbox"/>	SKID PLATES	345.00
<input type="checkbox"/>	DAYTIME RUNNING LIGHTS	42.00
<input checked="" type="checkbox"/>	XLT COMFORT GROUP	291.00
<input type="checkbox"/>	***CONSOLE FOR RADIOS	285.00
<input type="checkbox"/>	STROBE LIGHTS	537.00
<input type="checkbox"/>	ADJUSTABLE PEDALS	145.00
<input checked="" type="checkbox"/>	XLT APPEARANCE PACKAGE	690.00

**Check desired options**

<input type="checkbox"/>	WIG WAG HEADLIGHTS	235.00
<input type="checkbox"/>	MAGCHARGER FLASHLIGHT	139.00
<input type="checkbox"/>	ENGINE HOUR METER	185.00
<input type="checkbox"/>	DELIVER ONE UNIT	225.00
<input checked="" type="checkbox"/>	X DELIVER MULTIPLE UNITS, each	175.00
<input type="checkbox"/>	**SAFETY CANOPY	555.00
<input type="checkbox"/>	REMOTE STARTER	564.00
<input checked="" type="checkbox"/>	X CARGO SHADE	85.00
<input type="checkbox"/>	REVERSE SENSING	250.00
<input checked="" type="checkbox"/>	X EXTRA KEY	75.00
<input checked="" type="checkbox"/>	X SOUND OFF DOME LIGHT	125.00
<input type="checkbox"/>	SERVICE MANUAL ON CD ROM	237.00
<input checked="" type="checkbox"/>	<b>1 SERVICE MANUAL (ONE ONLY)</b>	<b>185.00</b>
<input checked="" type="checkbox"/>	X TOW PACKAGE AXLE RATIO 3.73	265.00
<input checked="" type="checkbox"/>	X CONVENIENCE GROUP	245.00

**Exterior Colors**

<input type="checkbox"/>	RED FIRE CLEARCOAT MET
<input checked="" type="checkbox"/>	<b>1</b> DARK BLUE PEARL
<input type="checkbox"/>	CARBON CLEARCOAT MET
<input type="checkbox"/>	OXFORD WHITE
<input type="checkbox"/>	DARK STONE CLEARCOAT MET

<input type="checkbox"/>	SILVER BIRCH CLEARCOAT MET
<input type="checkbox"/>	PUEBLO GOLD CLEARCOAT MET
<input checked="" type="checkbox"/>	<b>1</b> BLACK CLEARCOAT
<input type="checkbox"/>	
<input type="checkbox"/>	

**Interior Colors**

<input type="checkbox"/>	CAMEL
<input checked="" type="checkbox"/>	<b>2</b> STONE
<input type="checkbox"/>	

\* NOT MOUNTED

\*\* SAFETY CANOPY AIR CURTAIN SYSTEM

\*\*\*SHIPPED LOOSE

**PAYMENT REQUIRED AT TIME OF DELIVERY**

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

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

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

**DATE:** December 4, 2006

**RE:** Award of Contract for Carnival Amusement Services -- 2007 Summer in the Center

Two years ago, Alpine Amusement Co. was awarded a multi-year contract for amusement services for the 4-day Summer in the Center Event at the Ross Ferraro Town Center. Alpine Amusement Co. has submitted a proposal to provide amusement services for the third year of the contract for our June 7-10, 2007 event. The contract includes the following provisions:

- Sharing of 25%-30% of the amusement revenues with the Village
- Payment to Village of \$125 per food concession or game booth
- Special \$15 unlimited ride periods
- Special free ride period for disabled/physically challenged attendees
- Full compliance with the Village Code relating to carnival amusements

Last year the Village received a 25% share of ride revenues on rides grossing between \$0 - \$30,000 and a 30% share of ride revenues on rides grossing over \$30,000. The contract also provides payments to the Village of \$125 per food concession operated by Alpine Amusement. Last year the Village received revenues totaling \$18,327 from Alpine Amusements. This amount was 6% below the prior year's receipts but this may have been due to colder temperatures this year and the event being held 2-weeks earlier than prior years events.

Staff did not receive any complaints regarding the carnival or amusements operated by Alpine Amusement last year and we continue to receive compliments on them from our residents. Based on the successful relationship we had with Alpine the last 2 years staff recommends that the contract for amusement services for the June 7-10, 2007 Summer in the Center event be awarded to Alpine Amusement Co. per the terms of the attached agreement.

Cc: Joseph E. Breinig, Village Manager

# ALPINE AMUSEMENT CO. INC.

8037 S. Neva Burbank, IL 60459

Phone: 708-233-9131

Fax: 708-233-9177

This agreement made this 4th day of December, 2006, by and between Alpine Amusement Co., Inc., Party of the First Part and The Village of Carol Stream, Party of the Second Part. Second Part agrees to furnish a location for the erection and operation of a combination of rides, shows and concessions known as Alpine Amusement Co., Inc. Party of the Second Part also agrees to furnish and pay for any Village tax, permits or licenses that may be required for operation, and for all water, lot and street privileges necessary for operating, conducting, and placing of all attractions and concessions (the location must be mutually agreeable and acceptable to both parties).

Party of the First Part further agrees to furnish all electrical connections, sufficient electrical generators and electric current with distribution necessary for the power and illumination of all rides, shows and concessions. Said current to be for operating hours and to be supplied until all attractions are dismantled at the close of the engagement. Party of the First Part also agrees to furnish Uniformed Ride Attendants, Foreman on Festival grounds at all times, All ticket boxes and coupons for ride admittance and \$1,000,000 public liability and property damage certificate of insurance for each incident. (Alpine Amusement Co. is not liable for your employees and volunteers), unless caused by our own negligence. Said Certificate of Insurance shall be sent to the Village at least one (1) week prior to the engagement. The Village of Carol Stream, its Officers, and Employees shall be named as an insured on said policy. Said policy shall be on an ISO approved form and shall not include any limitations of liability for failure to notify the Village of the cancellation of said policy. Party of the First Part has the right of first refusal for the next year or the next year Party of the Second Part runs the festival in the event a year or more is skipped between running the festival provided party of the first part has performed to party of the second part's satisfaction.

Party of the Second Part also agrees to have location, portable toilet facilities available Monday before event. If streets are used for location of said attractions, Party of the Second Part agrees to have them closed to traffic and parking no later than 12:01 A.M. Monday before event.

IN CONSIDERATION OF THE ABOVE, Party of the First Part agrees to furnish, present and operate rides, concessions, and attractions at The Ross Ferraro Town Center for a period of 4 days, starting June 7 and ending June 10, 2007 for an event to be known as 2007 Summer in the Center. To pay the Second Part the sum of \$125 for each food or concession or game booth operated on the grounds during the engagement. Any concession or booth closed or unable to operate shall pay pro-rata for actual days operated. To pay the Party of the Second Part (25% from \$0-\$50,000 and 30% from \$50,001 and over) the gross receipts from monies derived from the sale of admission tickets at any attractions and rides after usual Government Taxes, Midway Insurance and State and City sales tax and amusement tax, if applicable, are deducted.

The settlement of the concessions and booths, and the percentage on the attractions and rides shall be made on the closing of the engagement. This agreement is fully assignable by Alpine Amusement Co., Inc. only upon concurrence by the Village of Carol Stream.

Village of Carol Stream is responsible for the following services:

- \*The handling for all festival advertising and promotion exclusive of any other items that may otherwise be contained in this agreement.
- \*Sufficient police protection and security
- \*Trash receptacles for midway clean-up operation
- \*Parking area for semi-trailers, trucks and trailers at an approved Village parking lot, (no trailers or trucks will be allowed to park on site unless they are an integral part of the carnival ride).
- \*24-hour access to portable toilets, starting Monday morning, June 4, 2007.

#### REMARKS:

This contract is part of a multi-year agreement including 2006, 2007, and 2008 calendar years, in which the Village agrees to consider Alpine Amusement Co. as its carnival operator for subsequent years of this agreement provided the Village continues to provide carnival services as part of its Summer in the Center event; the Village appropriates sufficient funds for a carnival and the Village Board approves same; Alpine Amusement complies with all contract provisions from prior years and continues to improve upon its ride selection by alternatively adding at least one additional "family" or "spectacular" ride during each subsequent year of this agreement; and, provides satisfactory carnival amusement services to the Village.

Alpine Amusement Co. will furnish 100 advertising posters free of charge for distribution by the Village.

No employee travel trailers will be on site at festival nor will employees be housed on site.

UNLIMITED RIDE SPECIAL \$15.00/PERSON, THURSDAY 6PM-CLOSE, SATURDAY, AND SUNDAY 1-5 PM

Hours of event will be: Thursday and Friday 6PM-Close, Saturday and Sunday Noon-Close.

#### IT IS FURTHER UNDERSTOOD AND AGREED:

Party of the First Part assumes no liability for any accident that might be caused by streets or other locations being left open to local traffic or parking during erection, dismantling, or operation of equipment or to trespassers while equipment is not in operation. Party of the Second Part agrees to indemnify and hold harmless the Party of the First Part for any defects relating to the condition of the grounds. Party of the First Part agrees to indemnify and hold harmless, Party of the Second Part against any and all injuries or claims for damages as a result of said carnival, amusement and/or concessions operated by Alpine Amusements or its subcontractors or agents.

It is understood and agreed that there shall be no other riding devices, shows, attractions, or concessions (including confections to be known as popcorn, cotton candy, funnel cakes, corn dogs, sno cones, nachos, coke and other soft drinks at this event other than those furnished by Alpine Amusement Co., Inc. except those furnished by the Party of the Second Part or food vendors operating under agreement by the Village (and those agreed upon, prior to the event). Additional attractions such as rock climbing wall, laser tag, simulated NASCAR racing, bungi jumping, etc. to be mutually agreed upon by both parties.

The attached addendum "A" is hereby incorporated as part of this agreement.

That there is no other contract or promise expressed or implied, written or verbal. That should any other or additional agreement become necessary, the same shall be void unless reduced to writing and signed by the parties hereto.

That this agreement in part or entirety is subject to strikes, suspension of electric service, failure of transportation facilities, Government decrees, fire, floods, wrecks, tornadoes, war, riots, public demonstrations, or other good and sufficient reasons beyond the control of either party hereto. Both parties agree to work together to make this event a success.

IN WITNESS WHEREOF, we set our hands and seals in good faith this 4th day of December, 2006.

VILLAGE OF CAROL STREAM

ALPINE AMUSEMENT CO., INC.

By: \_\_\_\_\_  
Party of the Second Part

By:   
Party of the First Part

Void if not returned by December 31, 2006.



## ADDENDUM "A"

All costs and expenses of supplying the amusements are the sole responsibility of Alpine Amusement Co., Inc.

Alpine Amusement Co., Inc. agrees that the Village shall have the right to have a representative present in any ticket booth at any time during the event if Alpine Amusement Co., Inc. supplies the staff. Alpine Amusement Co., Inc. also agrees that the Village shall have the right to have a representative examine any and all books, records of ride ticket sales from the Village of Carol Stream Summer in the Center festival and to make copies. Alpine Amusement Co., Inc. agrees that it will retain any and all ticket stubs and/or unsold tickets. Alpine Amusement Co., Inc. agrees that the Village shall have the right to examine said ride tickets and/or stubs and, at the Village's option and cost, conduct an independent audit of all ride ticket sales generated from the event.

Both the Village of Carol Stream and Alpine Amusement Co., Inc will determine the layout of the rides and concession booths. Alpine Amusement Co., Inc. must comply with all reasonable directives of the Village of Carol Stream.

Alpine Amusement Co., Inc. agrees to work with the Village to provide a "No-Charge" disability/physically challenged program to take place on Saturday, June 9, 2006 from 1:00 p.m. to 3:00 p.m.

Ride selections will be based on available space and selection between the Village of Carol Stream and Alpine Amusement Co., Inc.

Layout of the rides and concession booths will be determined when the snow subsides and access to the grounds is available. Appropriate measurements and walk through is required by Alpine Amusement Co., Inc. to provide accurate ride selection.

Alpine Amusement Co., Inc. agrees to comply with Village Ordinance No. 2002-06-35, regulating carnivals.

Alpine Amusement Co., Inc. shall furnish the appropriate number of uniformed ride attendants and a ride foreman on the festival grounds at all times when festival is operating.

Alpine Amusement Co., Inc. shall obtain all required 2007 State of Illinois ride inspection permits and DuPage County Health Department Food Concession permits, which shall be posted in a conspicuous location for public viewing at the ticket sales booth.

Amusement and concession prices will generally be as follows (prices subject to change):

Amusement/Concession	Price
Children Rides	\$2.25
Intermediate Rides	\$3.00
Adult Rides	\$3.75
Slide Ride	\$1.50
Pop/Lemonade	\$2.00-\$3.00
Cotton Candy	\$2.00-\$3.00
Corn Dogs	\$2.00
Funnel Cake	\$4.00-\$5.00
Rope Liquorish	\$1.00
Popcorn	\$2.00-\$3.00
Games (Regulation Basketball, Cat Rack, Balloon, Machine Gun, Grab Bag, etc.)	\$2.00

Alpine Amusement Co., Inc. ticket and concession prices shall not exceed those prices charged at its other events in 2007.

H-1 12-4-06

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

**AN ORDINANCE GRANTING A SPECIAL USE FOR A  
CONTRACTOR'S OFFICE AND SHOPS  
(232-236 WESTGATE DRIVE))**

WHEREAS, Chuck Bundrick of Skyline Plastering, Inc., has requested a Special Use Permit in accordance with Section 16-10-2(B)(6) to allow a contractor's office and shop at the property located on the west side of Westgate Drive just south of St. Charles Road, in the I Industrial District; and

WHEREAS, the Combined Plan Commission and Zoning Board of Appeals, pursuant to proper notice, held a public hearing on November 27, 2006, concerning this request and has recommended the Special Use Permit be granted; and

WHEREAS, the Corporate Authorities find that granting of the Special Use Permit 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.

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 232-236 Westgate Drive, be granted a Special Use for a contractor's office and shop.

LEGAL DESCRIPTION:

Lots 11 to 14 inclusive in Rothbart's Resubdivision in the Northwest Quarter of Section 5, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 24, 1989 as Document r89-104408, in DuPage County, IL.

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 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Ross Ferraro, Mayor

ATTEST:

\_\_\_\_\_  
Janice Koester, 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)

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

**AN ORDINANCE GRANTING A SPECIAL USE FOR  
OUTDOOR ACTIVITIES AND OPERATIONS  
(PEACOCK ENGINEERING, 720 CENTER STREET)**

WHEREAS, Richard J. Schultz of Capital Design, Ltd., representing Peacock Engineering, Inc., has requested approval of a Special Use Permit in accordance with Section 16-10-2(B)(14) of the Carol Stream Zoning Code to allow outdoor activities and operations in the I-Industrial District; and

WHEREAS, pursuant to proper legal notice, on November 27, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the request for this Special Use Permit and has determined that it would not pose a negative effect on property values in the area nor will it be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the corporate authorities find that the granting of this Special Use Permit to allow a storage tank to be located outside the building would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village, 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 720 Center Street, be granted a Special Use Permit to allow a storage tank to be located outside the building subject to the following condition:

1. That pipe bollards be added to detour a vehicle from hitting the tank.

**LEGAL DESCRIPTION:**

Lot 1 in Carol Stream Corporate Center Two, being a subdivision of the Southwest Quarter of Section 28, Township 40 North, Range 10, East of the

Third Principal Meridian, According to the Plat thereof recorded October 30, 1998 as Document No. R98-226079 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 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

---

Ross Ferraro, Mayor

ATTEST:

---

Janice Koester, Village Clerk

I, \_\_\_\_\_, being the owner or other party of interest of the property

(please print)

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)

# AGENDA ITEM

4-3 12-4-06

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

## AN ORDINANCE GRANTING A REAR YARD SETBACK VARIATION (904 FOREST LANE)

WHEREAS, Leslie Coker, owner of the property at 904 Forest Lane, has requested a variation in accordance with Section 16-12-1(C)(3) of the Carol Stream Zoning Code to allow an existing 16' x 16' gazebo to remain as constructed, approximately 2 ½ feet from the rear lot line rather than the required ten (10) feet rear yard setback; and

WHEREAS, pursuant to proper notice, the Combined Plan Commission/Zoning Board of Appeals, at its public hearing on November 27, 2006, reviewed this request for a rear yard setback variation and has submitted its findings to the corporate authorities; and

WHEREAS, the Combined board has filed its minute regarding its recommendation of approval for this request for the Corporate Authorities; and

WHEREAS, the Corporate Authorities of the Village have determined that approval of this rear yard setback variation would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROLSTREAM, 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 904 Forest Lane, be granted approval of the requested rear yard setback variation subject to the following conditions:

1. That the applicant must obtain a proper building permit for the gazebo.

2. That the applicant received approval of an Easement Encroachment from the Village Board of Trustees.

**LEGAL DESCRIPTION:**

The west ½ of Lot 18 in First Addition to Country Glen, being a subdivision in the North ½ of Section 24, Township 40 North, Range 9, East of the Third Principal Meridian, according to the plat thereof recorded July 9, 1981 as Document R81-36925, 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 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

---

Ross Ferraro, Mayor



ATTEST:

\_\_\_\_\_  
Janice Koester, Village Clerk

I, \_\_\_\_\_, being the owner or other party of interest of the  
property

(please print)

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)

H-4 12-4-06

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

**AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 5, TRAFFIC SCHEDULES (TRAFFIC CODE)**

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, that Chapter 8, Traffic Code, as amended, be further amended as follows:

SECTION 1: That Chapter 8, Article 5 Traffic Schedules, Schedule III, Speed Limits on Specific Streets be amended as follows:

**Fair Oaks Road                      Delete from Division D - 40 mph**

**Fair Oaks Road                      Add to Division B - 30 mph**

SECTION 2: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, and the posting of the required signs in keeping with this Ordinance.

PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Ross Ferraro, Mayor

ATTEST:

\_\_\_\_\_  
Janice Koester, Village Clerk

*Village of Carol Stream*  
Interdepartmental Memo

TO: Joseph Breinig, Village Manager

FROM: William N. Cleveland, Assistant Village Engineer *WB*

DATE: November 28, 2006

RE: Fair Oaks Road Speed Limit

During the design of the Fair Oaks Road reconstruction project, it was decided that the speed limit should be lowered to the statutory limit, 30 mph. This change was communicated at the public meetings and was very well received. The Wayne Township Highway Department was also in agreement with this change.

Some of the rationale for lowering the speed limit include; saving cut and fill costs to straighten the vertical alignment, saving cost of acquiring additional right of way to straighten the curves, and to make the road safer for barrier curb. Due to township funding constraints, only the northern section of Fair Oaks was reconstructed. There are however, safety concerns on the remaining roadway such as; narrow lanes, shoulder drop offs, and deteriorating pavement, that can be lessened by lowering the speed limit along the entire road.

Engineering staff has contacted the Wayne Township Highway Commissioner and he is in concurrence with the recommended change. However, the change must be approved by the DuPage County Division of Transportation Director in order to become effective. We therefore recommend the following change to the code of ordinance, pending approval of Wayne Township:

Chapter 8: Traffic Code, Article 5: Traffic Schedules, Schedule III: Speed Limits on specific streets, delete Fair Oaks Road from division (D) and add Fair Oaks Road to division (B).

Cc: James T. Knudsen, Director of Engineering Services  
Rick Willing, Chief of Police  
Al Turner, Director of Public Works

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE  
CAROL STREAM CODE OF ORDINANCES BY DECREASING  
THE NUMBER OF CLASS F LIQUOR LICENSES FROM 8 TO 7  
(KINTA SUSHI, 135 HIAWATHA DRIVE)**

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 Chapter 11, Article 2 of the Carol Stream Code of Ordinances,  
Classification of Liquor Licenses, be and the same is hereby amended by decreasing  
the number of Class F Liquor Licenses from eight (8) to seven (7), effective December  
4, 2006.

SECTION 2: This Ordinance amending Chapter 11 of the Code of Ordinances of  
the Village of Carol Stream shall be reprinted in the loose-leaf volume, which bears  
that title.

SECTION 3: This Ordinance shall be in full force and effect from and after its  
passage and approval by law.

PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Ross Ferraro, Mayor

ATTEST:

\_\_\_\_\_  
Janice Koester, Village Clerk

AGENDA ITEM

H-6 12-4-06

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE  
CAROL STREAM CODE OF ORDINANCES BY INCREASING  
THE NUMBER OF CLASS F LIQUOR LICENSES FROM 7 TO 8  
(KINTA JAPANESE RESTAURANT, 135 HIAWATHA DRIVE)**

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 Chapter 11, Article 2 of the Carol Stream Code of Ordinances,  
Classification of Liquor Licenses, be and the same is hereby amended by increasing  
the number of Class F Liquor Licenses from seven (7) to eight (8), effective December  
4, 2006.

SECTION 2: This Ordinance amending Chapter 11 of the Code of Ordinances of  
the Village of Carol Stream shall be reprinted in the loose-leaf volume, which bears  
that title.

SECTION 3: This Ordinance shall be in full force and effect from and after its  
passage and approval by law.

PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF DECEMBER 2006.

AYES:

NAYS:

ABSENT:

\_\_\_\_\_  
Ross Ferraro, Mayor


ATTEST:

\_\_\_\_\_  
Janice Koester, Village Clerk

AGENDA ITEM

I-1 12-4-06

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

**TO:** Mayor & Trustees  
**FROM:** Joseph E. Breinig, Village Manager   
**DATE:** November 8, 2006  
**RE:** Industrial Revenue Bonds – Packaging Personified

Packaging Personified has contacted the Village about the issuance of industrial revenue bond (IRBs) for expansion and equipment changes at their facility on Kehoe Boulevard. Packaging Personified anticipates issuing \$7.0M in IRBs in 2007. Packaging Personified issued IRBs to fund a prior expansion to their facilities. In order to recover costs incurred before the date of issuance from bond proceeds Packaging Personified has requested approval of the attached Inducement Resolution.

IRBs are considered a conduit form of debt meaning that the Village neither secures nor is obligated to repay the debt. The Village Attorney has confirmed that the Inducement Resolution prepared by Packaging Personified's bond counsel does not commit the Village financially and protects the Village should it decide not to proceed.

Although the Inducement Resolution does not bind the Village, two policy questions should be addressed before this matter proceeds further. First, the Village needs to decide if it is willing as a matter of policy to proceed with the issuance of \$7.0M in IRBs. Secondly, the Village needs to decide if it will charge a fee for issuance of the IRBs.

Annually the Village, as a home rule community, is allocated volume cap for the issuance of these types of bonds. The volume cap is determined by population. In 2006, the Village's cap was \$3,221,360. As you may recall, the 2006 cap was ceded to Covered Bridges for bonds used to rehab the complex and retail its affordability.

Assuming the Village is willing to assist with the issuance of the IRBs, it is anticipated that Packaging Personified will obtain the \$3.8M in additional cap from other home rule units of government. Packaging Personified will fully reimburse the Village for any costs directly incurred including services of the Village attorney who will need to review documents. In agreeing to proceed, the Village will fully obligate its cap for 2007. At this time there is no other known party interested in the cap.

The IRB issued previously for Packaging Personified did not include a fee paid to the Village. Similarly, the IRB issued for Covered Bridges did not include a fee paid to the Village. While the Village developed a policy of not charging a fee for issuance of IRBs, a number of communities instituted fees. For example, Glenview charges 2%, Streamwood charges 1% for the first \$1M and ½% for bonds over \$1M, and Hanover Park \$10 per \$1,000 for bonds up to \$1M (\$5,000 minimum) and \$5 per \$1,000 for bonds over \$1M. Some communities, Glen Ellyn and Crystal Lake for example, do not charge a fee. The fees for the communities mentioned would range from \$140,000 (Glenview) to \$35,000 (Streamwood and Hanover Park). Communities that choose to not impose a fee have property taxes and may view the growth in Equalized Assessed Value as the "fee" for issuing the bond.

Staff supports approval of the Inducement Resolution. Commitment of the Village's Volume Cap to Packaging Personified is also recommended. Staff feels that payment of a fee in the amount of \$35,000 plus reimbursement for direct costs incurred is appropriate in light of fees charged in other communities. If the Village Board feels that the recommended fee is excessive or inappropriate, staff believes that all costs directly attributable to this IRB should be reimbursed.

Attachment

cc: Packaging Personified  
Ice Miller LLP

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

A RESOLUTION AUTHORIZING THE EXECUTION  
OF A MEMORANDUM OF AGREEMENT  
(PACKAGING PERSONIFIED, INC. PROJECT)

WHEREAS, the Village of Carol Stream, Illinois (the "Issuer") is authorized under its home rule powers, as set forth in the 1970 Constitution of the State of Illinois, Article VII, Section 6, and the provisions of 65 ILCS 5/11-74-1 to 5/11-74-14, as from time to time supplemented and amended (collectively, the "Act"), to issue revenue bonds for the purpose of financing, in whole or in part, the cost of the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment or extension of any economic development project;

WHEREAS, Packaging Personified, Inc., an Illinois corporation and its affiliates and related entities (collectively, the "Borrower") wish to finance an expansion to an existing facility located at 246 Kehoe Boulevard in Carol Stream, Illinois, and the acquisition and installation of additional equipment in connection with such addition (the "Project"); and wish to have the Issuer issue its revenue bonds to finance the acquisition, rehabilitation and equipping of such Project; and

WHEREAS, a Memorandum of Agreement (the "Agreement") has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to issue its revenue bonds to finance the Project; and

WHEREAS, all or a portion of the expenditures relating to the Project (the "Expenditures") (i) have been paid within 60 days prior to the date of this Resolution, or (ii) will be paid on or after the passage of this Resolution; and

WHEREAS, for purposes of Treasury Regulations Section 1.150-2, the Issuer (based solely on information supplied by the Borrower, on which the Issuer believes it is reasonable and



prudent to rely) reasonably expects to reimburse itself for the Expenditures with the proceeds of the Bonds;

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. The form, terms and provisions of the Agreement presented to this meeting are hereby approved.

SECTION 2. That the Mayor of the Issuer is hereby authorized to execute, and the Village Clerk of the Issuer is hereby authorized to attest to the Agreement with the Borrower in substantially the form of such agreement appended to this Resolution as Exhibit A or with such changes as shall be approved by the officers executing the same, such approval to be conclusively evidenced by the execution of such Agreement.

SECTION 3. That the officers and employees of the Issuer are hereby authorized to take such further action as is necessary to carry out the intent and purposes of the Agreement as executed and to issue not to exceed \$7,000,000 of its revenue bonds, in one or more series (the "Bonds"), and upon the terms and conditions stated in such Agreement and for the purposes for the purpose of defraying the cost of the Project and that the same is declared to be for a public purpose, which Agreement is hereby deemed a part of this Resolution.

SECTION 4. The Issuer hereby declares its intent to assist the Borrower under Treasury Regulations Section 1.150-2 to reimburse any expenditures made on costs of the Project prior to the issuance of the Bonds with proceeds of the Bonds.

SECTION 5. All ordinances, resolutions, orders and parts thereof in conflict herewith are hereby superseded to the extent of such conflict.

SECTION 6. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

SECTION 7. This Resolution shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2006 pursuant to roll call vote as follows.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS       )  
  )  
COUNTY OF DUPAGE       )

I, the undersigned, do hereby certify that I am the duly qualified and elected Clerk of the Village of Carol Stream, in the County and State aforesaid; and as such Clerk, I am the keeper of the official journal, records and files of the Mayor and Board of Trustees of said Village.

I do further certify that the attached and foregoing is a full, true and correct copy of;

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

A RESOLUTION AUTHORIZING THE EXECUTION  
OF A MEMORANDUM OF AGREEMENT  
(PACKAGING PERSONIFIED, INC. PROJECT)

Passed and Approved: \_\_\_\_\_, 2006

as passed by the Mayor and Board of Trustees of the Village of Carol Stream, at a legally convened meeting in the Village of Carol Stream.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said Village of Carol Stream, DuPage County, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Village Clerk

(VILLAGE SEAL)

## EXHIBIT A

### MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is between the Village of Carol Stream, Illinois (the "Issuer") and Packaging Personified, Inc., an Illinois corporation, on behalf of itself and its affiliates or related entities (collectively, the "Borrower").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in this Agreement are the following:

(a) The Issuer is authorized under its home rule powers, as set forth in the 1970 Constitution of the State of Illinois, Article VII, Section 6, and the provisions of 65 ILCS 5/11-74-1 to 5/11-74-14, as from time to time supplemented and amended (the "Act"), to issue revenue bonds for the purpose of financing, in whole or in part, the cost of the acquisition, purchase, construction, reconstruction, improvement, equipping, betterment or extension of any economic development project and to enter into a loan agreement with the Borrower pursuant to which the proceeds of such industrial revenue bonds may be lent to the Borrower to finance the costs of the acquisition, rehabilitation and equipping of such an economic development project.

(b) The Borrower wishes to obtain satisfactory assurance from the Issuer that the proceeds of the sale of such industrial revenue bonds of the Issuer will be made available to the Borrower to finance the costs of an expansion to an existing facility located at 246 Kehoe Boulevard in Carol Stream, Illinois and the acquisition and installation of additional equipment in connection with such addition (the "Project").

(c) Subject to the conditions contained herein and to the due compliance with all requirements of law, the Issuer, by virtue of such statutory authority as may now or hereafter be conferred by the Act, will issue and sell its revenue bonds, in one or more series, in an aggregate amount not to exceed \$7,000,000 (the "Bonds") to finance the costs of the Project.

(d) The Issuer has determined that it is necessary and in the best interests of the Issuer to authorize its obligations to pay the costs of the Project and costs related to the issuance of its obligations.

(e) The Borrower has presented the Issuer with evidence satisfactory to the Issuer of its intention to reimburse itself for expenditures relating to the Project which it may pay from funds which are not proceeds of the Bonds.

(f) The Bonds shall be limited obligations of the Issuer payable solely and only out of the revenues and receipts derived from the trust estate established under a loan agreement, indenture of trust, bond purchase agreement, or any similar document pursuant to which the Bonds are issued; the Project shall be financed by means of a loan of the proceeds of the Bonds to the Borrower, and the Borrower shall agree to make payments in an amount sufficient to pay the principal and purchase price of, and premium,

if any, and interest on, and expenses of, the Bonds. No holder of any of the Bonds shall have the right to compel any exercise of the taxing power of the Issuer, and the Bonds shall not constitute an indebtedness or a loan of credit of the Issuer within the meaning of any constitutional or statutory provision.

2. Undertakings on the Part of the Issuer. Subject to the conditions above stated, the Issuer agrees as follows:

(a) That it will authorize the issuance and sale of the Bonds pursuant to the terms of the Act as then in force.

(b) That it will, at the proper time and subject in all respects to the prior advice, consent and approval of the Borrower, adopt or cause to be adopted, such proceedings and authorize the execution of such documents as may be necessary and advisable for the authorization, issuance, and sale of the Bonds as aforesaid, and that it will enter into a loan agreement whereby the Borrower will pay to or on behalf of the Issuer such sums as shall be sufficient to pay the principal and interest and redemption premium, if any, and expenses on the Bonds as and when the same shall become due and payable.

(c) The Issuer hereby declares its intent to assist the Borrower under Treasury Regulations Section 1.150-2 to reimburse any expenditures made on costs of the Project prior to the issuance of the Bonds with proceeds of the Bonds.

3. Undertakings on the Part of the Borrower. Subject to the conditions above stated, the Borrower agrees as follows:

(a) That it will use all reasonable efforts to find one or more purchasers for the Bonds.

(b) That contemporaneously with the delivery of the Bonds the Borrower will enter into a loan agreement with the Issuer under the terms of which the Borrower will obligate itself to pay to or on behalf of the Issuer sums sufficient in the aggregate to pay the principal of and interest and redemption premium, if any, and expenses on the Bonds as and when the same shall become due and payable.

4. General Provisions.

(a) All commitments of the Issuer under Paragraph 2 hereof and of the Borrower under Paragraph 3 hereof are subject to the condition that on or before 365 days from the date hereof (or such other date as shall be mutually satisfactory to the Issuer and the Borrower), the Issuer and the Borrower shall have agreed to mutually acceptable terms and conditions of the loan agreement and of the Bonds and other instruments or proceedings relating to the Bonds. The decision not to approve or agree to any term or condition of any document or not to take any action prior to issuance of the Bonds shall rest solely within the complete discretion of the parties to this Agreement.

(b) All costs and expenses in connection with the Project, including the fees and expenses of counsel to the Issuer, Bond Counsel, Issuer's Counsel and any other fees required to be paid by the Issuer upon the issuance of the Bonds, shall be paid from the proceeds of the Bonds or by the Borrower. If the events set forth in (a) of this Paragraph 4 do not take place within the time set forth or any extension thereof and the Bonds in an amount not exceeding the amount stated above are not sold within such time, the Borrower agrees that it will reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur at the Borrower's request or as a result of or arising out of this Agreement including but not limited to the payment of attorney and other consultant fees arising from the execution of this Agreement and the performance by the Issuer of its obligations hereunder, and this Agreement shall thereupon terminate.

(c) The obligations of the Issuer under this Agreement and the closing of the Bonds in regard to the Project are subject to and contingent upon the possession by the Issuer or the receipt by the Issuer of sufficient private activity volume cap allocation from the State of Illinois or otherwise pursuant to the Illinois Private Activity Bond Allocation Act (30 ILCS 345/1 through 345/9), as supplemented and amended. In addition, in the event the Issuer possesses or receives such sufficient private activity volume cap allocation, the Issuer agrees to apply such private activity volume cap allocation to the issuance of the Bonds.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement by their officers thereunto duly authorized as of the \_\_\_\_ day of \_\_\_\_\_, 2006.

VILLAGE OF CAROL STREAM, ILLINOIS

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Village Clerk

PACKAGING PERSONIFIED, INC.

By \_\_\_\_\_  
Its \_\_\_\_\_

# AGENDA ITEM

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

I-2 12-4-06

## A RESOLUTION APPROVING A FINAL PLAT OF CONSOLIDATION (211-231 E. ST. CHARLES ROAD)

WHEREAS, St. Charles Building Partners, LLC, is requesting a final plat of consolidation in accordance with Section 7-2-6 of the Carol Stream Subdivision Code to consolidate three parcels into one lot in the I-Industrial District located at 211-231 E. St. Charles Road; and

WHEREAS, the Plan Commission/Zoning Board of Appeals of the Village of Carol Stream, at their meeting of August 28, 2006, considered the final plat of consolidation and has found it to be in conformity with the Zoning Code, the Subdivision Code and other ordinances of the municipality relating to the particular property herein proposed to be developed; and

WHEREAS, the Combined Board has made its recommendation to the Corporate Authorities regarding the approval of this plat.

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: Approval is hereby given to the final plat of consolidation, such document being attached to and made a part of this Resolution as Exhibit "A", drawn by Lambert and Associates, Land Surveyors, 320 South Reber Street, Wheaton, IL 60187.

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

PASSED AND APPROVED THIS 4<sup>TH</sup> OF DECEMBER 2006

AYES:

NAYS:

ABSENT:



---

Ross Ferraro, Mayor

ATTEST:

---

Janice Koester, Village Clerk



*Village of Carol Stream*

**Interdepartmental Memo**

**TO:** Joseph E. Breinig, Village Manager  
**FROM:** John Svalenka, Village Planner  
**THROUGH:** Robert J. Glees, Community Development Director  
**DATE:** November 28, 2006  
**RE:** **Agenda Item for the Village Board meeting of December 4, 2006**  
**Easement Encroachment Request – 904 Forest Lane**

---

Leslie Coker is seeking approval of an easement encroachment request to allow an existing 16'x16' gazebo constructed by a previous homeowner to remain partially within the 10-foot public utility easement on her property at 904 Forest Lane. The gazebo is located approximately 2½ feet from the rear lot line, encroaching approximately 7½ feet into the easement. Staff has verified that when Ms. Coker purchased the home in 2005, the gazebo existed on the property and had been built by a previous owner without a building permit.

Ms. Coker has filed an application for approval of a Zoning Variation for the reduced rear yard setback in accordance with §16-12-1(C)(3) of the Carol Stream Zoning Code. At their November 27, 2006, meeting, the PC/ZBA recommended approval of the variation, with conditions, by a vote of 6-0.

All of the necessary paperwork for the easement encroachment process has been submitted, and a building permit application for the gazebo has also been submitted. The Village's utility atlases indicate no water main or sanitary sewer located within the easement. The Engineering Services Department has indicated they have no objection to the easement encroachment being approved, with the conditions that the drainage easement shall not be further blocked, and that future use of the easement shall not require the Village to repair the gazebo if damaged.

Attached are a cover letter dated October 12, 2006, from property owner Leslie Coker, the completed Easement Encroachment Application (Form F), copies of the letters from the four utility companies, a draft copy of an encroachment agreement letter, and a copy of the Plat of Survey indicating the location of the existing gazebo. Staff recommends that the request be approved, with the condition that the petitioner shall execute the attached encroachment agreement letter.

If the Village Board concurs with the staff recommendation, they should approve the request for easement encroachment to allow the existing gazebo to remain within at its present location.

JDS:js

November 30, 2006

Ms. Leslie Coker  
904 Forest Lane  
Carol Stream, Illinois 60188

Re: Easement Encroachment for Gazebo

Dear Ms. Coker:

The Village of Carol Stream has reviewed your request to allow the existing encroachment on the Village's easement to continue. 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 an existing encroachment 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 existing 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- 6230.

Sincerely,

John Svalenka, AICP  
Village Planner

AGREED:

---

Leslie Coker

# AGENDA ITEM

K-1 12-4-06

VILLAGE OF CAROL STREAM  
GL540R-V06.70 PAGE 1

BRC/ISD FINANCIAL SYSTEM  
11/30/2006 14:22:56

## Schedule of Bills

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
ALLWAYS INC E-MAIL FOR DEC/06	10.95	DUES & SUBSCRIPTIONS	01.465.234		135064	001554	P 343 00002
AMERICAN ADMINISTRATIVE FLEX SPEND ADM-NOV/06	200.10	EMPLOYEE SERVICES	01.459.273		10373		343 00013
ANCEL, GLINK, DIAMOND, BUSH LEGAL SRV'S OCTOBER	1,720.00	LEGAL FEES	01.451.238		11/14/06	001565	P 343 00023
LEGAL SRV'S OCTOBER	29,426.27	LEGAL FEES	01.457.238		11/14/06	001565	P 343 00024
	31,146.27	*VENDOR TOTAL					
BASIC IRRIGATION SERVICE REMOVE AERATORS-TWN CTR	1,000.00	PROPERTY MAINTENANCE	01.467.272		10902	002411	P 343 00032
BEST QUALITY CLEANING IN CLEANING VLG HL-NOV/06	2,621.25	JANITORIAL SERVICES	01.468.276		23834	001546	P 343 00014
CLEANING PWKS-NOV/06	873.75	JANITORIAL SUPPLIES	01.467.276		23834	001546	P 343 00015
	3,495.00	*VENDOR TOTAL					
CLASSIC LANDSCAPE, LTD MOWING LWN-TWN, VLG, ST CH	4,075.00	MAINTENANCE & REPAIR	01.468.244		35388		343 00035
COMMONWEALTH EDISON CO SRV FOR 10/17-11/17	91.57	ELECTRICITY	06.432.248		0030086009		343 00008
SRV 10/17-11/15	547.58	ELECTRICITY	04.410.248		0793651000		343 00026
SRV 10/17-11/15	4,717.60	ELECTRICITY	04.420.248		0793651000		343 00027
SRV 10/16-11/16	15.05	ELECTRICITY	01.467.248		0803155026		343 00030
SRV FOR 10/17-11/17	124.83	ELECTRICITY	06.432.248		1353117013		343 00009
SRV 10/16-11/16	13.40	ELECTRICITY	01.467.248		1865134015		343 00031
SRV FOR 10/17-11/17	108.31	ELECTRICITY	06.432.248		3153036011		343 00011
SRV 10/16-11/16	16.13	ELECTRICITY	01.467.248		4483019016		343 00029
SRV FOR 10/18-11/16	3,242.70	ELECTRICITY	06.432.248		4863004008		343 00012
SRV FOR 10/20-11/20	13.40	ELECTRICITY	01.467.248		5838596003		343 00018
SRV FOR 10/17-11/15	252.22	ELECTRICITY	06.432.248		6213120002		343 00021
SRV 10/16-11/16	86.23	ELECTRICITY	01.467.248		6337409002		343 00028
SRV FOR 10/17-11/17	118.47	ELECTRICITY	06.432.248		6597112015		343 00010
SRV FOR 10/18-11/17	103.66	ELECTRICITY	01.468.248		6675448009		343 00001
SRV FOR 10/24-11/22	142.59	ELECTRICITY	06.432.248		7139030002		343 00019
	9,593.74	*VENDOR TOTAL					
COSTCO WHOLESALE MEMBERSHIP RNWL-VLG	180.00	DUES & SUBSCRIPTIONS	01.465.234		07 MEMBSHP		328 00001
DUPAGE COUNTY TREASURER DATA PROCESS-POLICE	250.00	DATA PROCESSING	01.466.247		2777		343 00036
DUPAGE MAYORS-MANAGERS C MEETING-BREINIG 11/15/06	35.00	MEETINGS	01.460.222		4656		343 00025

Schedule of Bills

BRC/ISD FINANCIAL SYSTEM  
11/30/2006 14:22:56

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
EARTH TECH INC CONSTR-FAIR OAKS/PLUM GR	20,446.78	ROADWAY CAPITAL IMPROVEM	11.474.486		396660	000276	P 343 00003
FEDEX INV SUMMARY NOV 15	31.77	POSTAGE	01.465.229		8-525-04901	001545	P 343 00022
FITZGERALD LIGHTING & MA RPR TWR/MTRN 11/7,13,14	4,557.03	MAINTENANCE & REPAIR	04.420.244		24325	002432	P 343 00007
HELIX CAMERA & VIDEO DIGITAL CAMERA-POLICE	1,249.95	OTHER EQUIPMENT	01.466.412		61888	002581	P 343 00040
DIGITAL CAMERA-POLICE	347.35	SMALL EQUIPMENT EXPENSE	01.466.350		61888	002581	P 343 00041
	1,597.30	*VENDOR TOTAL					
HR SIMPLIFIED ANNL COBRA ADM FEE-DEC	400.00	EMPLOYEE SERVICES	01.459.273		17102		343 00005
KANE COUNTY CLERK NOTARY COMM-K ORR	10.00	DUES & SUBSCRIPTIONS	01.466.234		K ORR		343 00033
KANSAS STATE BANK OFC EQUIP MAINT-DEC	253.00	OFFICE EQUIPMENT MAINTEN	01.466.226		3338459	002528	P 343 00038
NORTHERN IL GAS CO SRV FOR 10/20-11/16	105.03	HEATING GAS	01.468.277		4721121000 1		343 00020
NORTHERN ILLINOIS UNIVER GIS IMPLMNT DESIGN FY06	9,996.50	GIS SYSTEM	01.462.257		G5B69459	000271	P 343 00016
POWELL MSW LCSW BCD/KATH CONSULT-11/15 SOC SRV	170.00	TRAINING	01.466.223		11/15/06		343 00037
SAFEBUSTERS LIBBY SAFE & ANNL MAINT-VAULTS-FINANC	160.00	OFFICE EQUIPMENT MAINTEN	01.461.226		1330		343 00034
SENTE RUBEL BOSMAN LEE A EVID/PROP STORAGE PLAN	820.00	FACILITY CAPITAL IMPROVE	11.474.487		06141-3	002569	P 343 00039
ST AUBIN NURSERY PARKWAY TREES	9,623.00	TREE MAINTENANCE	01.467.268		59	002417	P 343 00017
STEPHEN A LASER ASSOCIAT POLICE OFFCR ASSESSMNT	575.00	PERSONNEL HIRING	01.451.228		1100010	000149	P 343 00006
THEODORE POLYGRAPH SERVI POLYGRAPH-POLICE OFFCR	125.00	PERSONNEL HIRING	01.451.228		15739	000151	P 343 00004
POLYGRAPH-POLICE CANDID	250.00	PERSONNEL HIRING	01.451.228		15750	000151	P 343 00042
	375.00	*VENDOR TOTAL					

Schedule of Bills

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
TRANSSYSTEMS CORP PH III FAIR OAKS/LIES RD.	727.40	ROADWAY CAPITAL IMPROVEM	11.474.486		9(973844)	000253	P 343 00043



Schedule of Bills

VENDOR NAME DESCRIPTION	AMOUNT	ACCOUNT NAME	FUND & ACCOUNT	CLAIM	INVOICE	PO#	F/P ID LINE
REPORT TOTALS:	99,833.87						

RECORDS PRINTED - 000044

BRC/ISD FINANCIAL SYSTEM  
11/30/2006 14:22:56

Schedule of Bills

VILLAGE OF CAROL STREAM  
GL060S-V06.70 RECAPPAGE  
GL540R

FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
01	GENERAL CORPORATE FUND	63,936.79
04	WATER & SEWER O/M FUND	9,822.21
06	MOTOR FUEL TAX FUND	4,080.69
11	CAPITAL IMPROVEMENT FUND	21,994.18
TOTAL ALL FUNDS		99,833.87

BANK RECAP:

BANK	NAME	DISBURSEMENTS
OBB	OAK BROOK BANK	99,833.87
TOTAL ALL BANKS		99,833.87

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

DATE ..... APPROVED BY .....

.....

.....

The preceding list of bills payable was received and approved for payment.

**Approved:**

**Date:**

  
\_\_\_\_\_  
Joseph E. Breinig, Village Manager

11/30/06  
\_\_\_\_\_

Authorized By:

\_\_\_\_\_  
Ross Ferraro, Mayor

\_\_\_\_\_  
Janice Koester, Village Clerk

\_\_\_\_\_  
Anthony D. Manzzullo, Treasurer

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

# AGENDA ITEM

K-2 12-4-06

## ADDENDUM WARRANTS November 21, 2006 thru December 4, 2006

Fund	Check #	Vendor	Description	Amount
General	A C H	Oak Brook Bank	Payroll Nov 6, 2006 - Nov 19, 2006	421,142.92
Water & Sewer	A C H	Oak Brook Bank	Payroll Nov 6, 2006 - Nov 19, 2006	34,712.42
Water & Sewer	A C H	Oak Brook Bank	Dupage Water Commission -October, 2006	159,973.47
				<u>\$ 615,828.81</u>

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006

By: \_\_\_\_\_  
Ross Ferraro - Mayor

\_\_\_\_\_  
Janice Koester, Village Clerk

\_\_\_\_\_  
Anthony Manzzullo - Village Treasurer