

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

May 18, 2009

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

Present: Mayor Frank Saverino, Trustees Tony Manzzullo, Don Weiss, Greg Schwarze, Matt McCarthy, Rick Gieser and Pam Fenner

Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Attorney Greg Matthews, Village Clerk Beth Melody and Wynne Progar, Deputy Village Clerk

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

MINUTES:

Trustee McCarthy moved and Trustee Weiss made the second to approve the Minutes of the Meeting of May 4, 2009 as presented. The results of the roll call vote were:

Ayes:	6	Trustees Manzzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	
Absent:	0	

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Mrs. Betty Lou Kammes spoke of the early days of the area and what life was like even before the creation of the Village. Except for four years, she has lived in the same house she was born in and that also belonged to grandfather and great grandfather before that. She has a scrap book that contains such things as her letter to Santa when she was five years old and an aerial photograph of the farm on Kuhn Road, which was called Western Avenue at the time. She spoke of several events of her youth and she thanked the Board for allowing her to speak. Trustee Gieser thanked her for coming and sharing and presented Mrs. Kammes with a souvenir coffee mug. She was given a round of applause by all of those present.

CONSENT AGENDA:

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

Ayes:	6	Trustees Manzzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	

Trustee Fenner moved and Trustee Manzzullo 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 Manzzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	

1. Authorize Amendment to Loan Agree. Metal Tech- 2009-05-24
2. Spec. uses & variation landbanking-725 Kimberly – Ord. 2009-05-25/26
3. Award of contract – 2009 Flexible Pavement Project
4. FY 2010 Tree Removal Contract
5. Fourth of July Parade Donation
6. Approval of PO/B&F Technical Code Services
7. Agreement with Rotary Club for services at Town Center
8. R. 2410: Object to DPC ZBA case – 25W230 Geneva Rd.
9. R. 2411: Amend 2009-2010 Employee Compensation Plan
10. Received: 2008 MFT Audit Report from IDOT
11. Regular Bills, Addendum Warrant of Bills – Rec'd. Treasurer's Report

Trustee Manzullo moved and Trustee Weiss made the second to approve the items placed on the Consent Agenda for this meeting by omnibus vote. The results of the roll call vote were:

Ayes:	6	Trustees Manzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	

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

Authorize Amendment to Loan Agree. Metal Tech- 2009-05-24:

The Board adopted Ordinance 2009-05-24, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A LOAN AGREEMENT (METALS TECHNOLOGY CORPORATION).

Spec. uses-variation landbanking-725 Kimberly – Ord. 2009-05-25/26:

At their meeting on May 11, 2009, the Combine Plan Commission/ Zoning Board of Appeals recommended approval of a Special Use for Outdoor Activities and Operation and for Equipment and Machinery Rental Operations, in accordance with staff recommendations and also recommended approval of Board concurred with the recommendations and adopted Ordinance 2009-05-25, AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR ACTIITIES AND OPERATIONS AND EQUIPMENT AND MACHINERY RENTAL OPERATIONS – (725 KIMBERLY DRIVE). At that same meeting the recommended approval of variations for landbanked parking at the same location. The Board also concurred with that recommendation and adopted Ordinance 2009-05-26, AN ORDINANCE GRANTING VARIATIONS FROM SECTION 16-13-2(GO FOR PARKING SPACE LANDBANKING (725 KIMBERLY DRIVE).

Award of contract – 2009 Flexible Pavement Project:

Following the opening of bids on May 12, 2009, the Board awarded a contract to Plote Construction Inc. of Hoffman Estates in the amount of \$2,063,195.92 for the 2009 Flexible Pavement Project – 2009-FP.

FY 2010 Tree Removal Contract:

The Board approved a contract with Ciosek Tree Service for contract tree removal for the remainder of FY 2009, with an extended additional year at the same rates. The contract is not to exceed \$35,000.

Fourth of July Parade Donation:

The Board approved the donation of \$18,995.00 to the Fourth of July Parade Committee, which will include the funds donated by residents on the water billing.

Approval of PO/B&F Technical Code Services:

The Board approved the Village Manager to execute purchase orders with B&F Technical Code Services as follows: Plumbing Inspections - \$25,000, Permit Plan Reviews - \$75,000 and General Code Consulting - \$3,000.

Agreement with Rotary Club for services at Town Center:

The Board approved an agreement with the Carol Stream Rotary Club regarding services for the Beer Garden at the 4-day Festival at Town Center, June 4 through June 7th.

R. 2410: Object to DPC ZBA case – 25W230 Geneva Rd.:

The Board adopted Resolution 2410, A RESOLUTION OF OBJECTION TO A REQUEST FOR APPROVAL OF REZONING AND A CONDITIONAL USE FOR PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED AT 25W230 GENEVA ROAD – (DUPAGE COUNTY ZBA ZONING PETITION Z09-008).

R. 2411: Amend 2009-2010 Employee Compensation Plan:

The Board adopted Resolution 2411, A RESOLUTION AMENDING THE 2009-10 EMPLOYEE COMPENSATION PLAN FOR THE VILLAGE OF CAROL STREAM.

Regular Bills, Addendum Warrant of Bills – Rec'd. Treasurer's Report:

The Board approved the payment of the Regular Bills in the amount of \$564,955.34. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$717,640.97.

The Board received the Treasurer's Report for month ending April 30, 2009.

REGULAR MEETING:

DuPage Center for Spiritual Living – 150 E. St. Charles Road:

Trustee Schwarze asked Michael Speer, Assistant Director of the Spiritual Living Center to explain what the facility is and Mr. Speer said that they are a teaching and motivational facility. They provide classes, workshops, and learning opportunities on how to lead a more motivated life. There is a Book Store that sells books in regard to spiritual living. There are events going on throughout the week, and there both small and large groups. The Center has been in existence in DuPage County for 32 years, the last 14 in Glen Ellyn. In response to the question as to whether the Glen Ellyn facility will continue, it was stated that the space has been outgrown and that is an office building where the space will be leased to someone else. Trustee Schwarze asked how the Sunday morning services would not be considered a church, and Mr. Speer said that the would be in the same type of format or context, but it is not a church and they do not call themselves a church. There are two services or as they are called celebrations. At 9:00 a.m. is a small meeting which is done in a lecture style and at 10:30 a.m. it is still a

lecture style with music incorporated into it. Trustee Schwarze said that his concern is that we have certain zoning districts for this type of thing and this is moving into an area, by amendment to allow a precedent for others to want the same type of use. Community Development Director Bob Glees said that staff did consider the aspect of Zoning for this type of use when evaluating this case and the list of uses does not contain anything that would precisely match this type of use. This case contains a number of components that are permitted uses, such as offices, book stores and schools. In this particular building, in an Industrial Planned Unit Development, and in the Zoning Code, and Industrial PUD is allowed to contain the uses that are listed in the I District and also in the B-3 District. The B-3 District does contain uses such as offices, and book stores and business schools. When first considering this, it was indicated to the petitioner that since there was no specific use for spiritual and motivational teaching centers in the Zoning Code, that they might request a text amendment to add that to the list of uses, but that could not be supported because it is not appropriate in either of the zoning districts. In discussions with staff, the petitioner and his attorney, staff was persuaded that the request as was presented that of a Special Use under the PUD for this specific use at this specific location would be acceptable and would not set a precedent for any other property or any other zoning district.

Trustee Gieser said that his questions have been answered, specifically that this use is only for this location, this facility and he will support it.

Mayor Saverino asked if the Center is a 501 (c) 3 and was told that they are, and that they are not a church.

Trustee McCarthy moved and Trustee Fenner made the second to adopt Ordinance 2009-05-27, AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT – (150 E. ST. CHARLES ROAD). The results of the roll call vote were:

Ayes:	6	Trustees Manzzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	

Resolution of Objection to a Request for Approval of Rezoning and a Conditional Use for Planned Unit Development for the Property located at 25W230 Geneva Road – (DuPage County ZBA Zoning Petition Z09-08).

Trustee Weiss asked if there will be a representative from the staff at the hearing regarding this objection and it was determined that staff has attended just the most volatile requests for development in the County.

Water Connection Request – 3N642 Fair Oaks Road:

Mayor Saverino said that there is a situation across Fair Oaks Road with a bad well and the residents have asked the Village to give them water with just a pre-annexation agreement. Mrs. Janice Hookam said that they are asking for a water at this time without have to annex to the Village right away. Mayor Saverino said that does not know of any property that is contiguous to the Village to get water without an annexation agreement, Mr. Breinig concurred. Trustee Fenner said that the whole definition of the pre-annexation agreement is the contingency that when the property becomes contiguous, that when the annexation takes place. She said that it isn't clear how a pre-annexation agreement would be crafted when the property is already contiguous. Mrs. Hookam asked why Judith Lane and Riviera Court have water and have not been annexed into the Village. Trustee Fenner answered saying that the DuPage

County Water Commission directed that Carol Stream, being the closest to the area, provide potable water for those with bad wells, the County handled all of the installation. Mr. Breinig stated that this is more a policy question and if water is provided then the well for the property must be sealed to prevent cross contamination. Trustee Fenner asked if the staff is talking about waiving the sewer requirement for connection, and Mr. Breinig said that that might be a situation, but it is the water concerns that need to be addressed. Trustee Gieser said that he would like to have staff work with people who have and will have well problems, to negotiate terms of receiving water upon annexation and working out a time for sewer connection at a later date. Mr. Breinig said staff does not have a problem with that and it can be handled in the future. Trustee Schwarze asked if the Hookam's see a point when they would be willing to annex and Mrs. Hookam said that they would rather have the next occupant worry about that. Trustee McCarthy asked why they do not want to annex and she said that there are a lot of things; one is that they don't want things to change, like the address, the taxes and fire protection districts. Mr. Breinig said that staff can work with the Hookam's in regard to the Fire Protection District. As for the address change, that is totally up to the Federal Postal Service and sometimes it does become a turf thing on different routes. Mayor Saverino asked if they would be comfortable with having the well capped and sealed and he was told that it would be ok since they use rain barrels to water their garden. Trustee McCarthy said that when the Board has talked about residential pre-annexations, the policy is that the Village does not push for annexations and the Village does not force annexations, but at the same time the Board is on the slippery slope of adding a precedent that could be a triple problem and therefore is a very gray area. Trustee Schwarze said that he would consider providing them water with a pre-annexation agreement that was based on a specific time frame for annexation and sewer expansion. Trustee Weiss asked just which fees would apply for the Hookam's and Mr. Breinig said that the annexation fee would apply, the Fire Protection has said that if someone is already paying taxes on an existing structure it is not creating a burden that has not existed before now. The sanitary sewer and the plan expansion fees would not apply because this is not related to sewer. The water main extension fee is not necessary, it exists and there are site service connections that would be determined by the resident and a plumber depending on the site. The water tap-on fee would apply, inspection fee and water meter fee would apply and the Fair Oaks Road Improvements would not apply. It would amount to about \$5,000. Mr. Breinig said that the Hookam's have pointed out that the Village is in the process of the Fair Oaks Road improvements and have approached them in regard to the right-of-way that is needed and he said that the Village could roll the two together regarding costs, etc. Trustee Weiss commented that annexation is important in this case. Trustee Schwarze asked if the Village requires annexation, will the Hookam's still do it and Mrs. Hookam said that they probably would but couldn't say for sure. Mr. Breinig said that there is no agreement to act on and it was the consensus of the Board to continue to work with the resident to work on the finer points, but that annexation is imperative. If the consensus is that staff work to on a template for annexation and then when the Hookam's are ready to discuss the points things will proceed.

REPORT OF OFFICERS:

Trustee Weiss complimented the Staff for the web-site additions to allow residents to witness the Historical Recollection Series and even several Board

meetings. Trustee Weiss suggested that we should keep track of what is going on in Springfield and monitor what our State Representatives are doing in our favor.

Trustee Schwarze thanked Betty Lou Kammes for coming tonight and Please Shop in Carol Stream.

Trustee Gieser commented that residents can find the Budget on our web site. The Fourth of July Parade Committee has applications on line at csparade.com, Wheels of Justice will be Saturday the 23rd and he thanked Mrs. Kammes also.

Trustee McCarthy said that the Youth Council will hold auditions for the Festival on Thursday May 21st and he noted that it is light out longer and sports activities have started so please reminded you kids to look both ways before going to the street and drivers watch for kids on bicycles in traffic.

Trustee Manzzullo thanked Mrs. Kammes, he also reminded everyone about the Wheels of Justice and the Bike Rodeo. He wished everyone a Happy and Safe Memorial Day and reminded everyone to Pray for our Troops.

Mr. Breinig thanked for the run-down of events and added the WDSTRA Run Rock and Roll event at Town Center and the Park District Play Days.

Mayor Saverino said that there will be a rededication of Memorial Park and that on Saturday, the Police Department will be asking for donations for Special Olympics with "Cop on Top" at Dunkin Donuts on Friday, May 22nd. He also thanked the Youth Council for their work on the Mother's Day event at the Town Center.

Trustee Fenner moved and Trustee Schwarze made the second to moved to Executive Session to discuss; Collecting Negotiating Matters, Pending Litigation and Compensation for a Specific Employee. It was stated that no action will be taken and that the Board will adjourn directly from the Session. The results of the roll call vote were:

Ayes:	6	Trustees Manzzullo, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays:	0	

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

13th day of June, 2009.

Beth Melody
Village Clerk