

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

June 15, 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 and Pam Fenner
- Absent: Trustee Rick Gieser
- Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Attorney Stewart Diamond, Village Clerk Beth Melody & Deputy Village Clerk Wynne Progar

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

MINUTES:

Trustee Weiss moved and Trustee Fenner made the second to approve the Minutes of the Meeting of June 1, 2009 as presented. The results of the roll call vote were:

- Ayes: 4 Trustees Manzzullo, Weiss, McCarthy and Fenner
- Nays: 0
- Abstain: 1 Trustee Schwarze
- Absent: 1 Trustee Gieser

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Appoint David Hennessey to the Combined Plan Commission/ Zoning Board of Appeals:

Mayor Saverino presented David Hennessey and swore him in as a member of the Combined Plan Commission/Zoning Board of Appeals. Trustee Fenner moved and Trustee McCarthy made the second to approve the appointment of David Hennessey to the Combined Plan Commission/ Zoning Board of Appeals. The results of the roll call vote were:

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

Recognition of the Carol Stream Youth Council:

Trustee McCarthy said that he asked for time of the agenda to recognize the Youth Council because of the way they have come together and grown to provide for each of the activities that are sponsored by the Village with their creativity, energy and vitality. Trustee McCarthy said that this was not done without disagreement, but they have learned how to disagree and get things done anyway. He said that he wants to say thank you to all of them and have them recognized for how well they have grown over the last four years. The Board and attendees gave them a round of applause.

Resolution 2415: Recognizing the 200-09 Glenbard North High School Championship Boy's Gymnastics Team:

Trustee McCarthy read A Resolution recognizing the 2008-09 Glenbard North High School Championship Boy's Gymnastics Team. Trustee McCarthy moved to adopt Resolution 2415 and Trustee Schwarze made the second. The results of the roll call vote were:

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

Proclamation Recognizing June 23, 2009 as Olympic Day in Carol Stream:

Mayor Saverino read the Proclamation and presented it to Mr. Curtis Lease and to the WDSRA director Jane Hodgkinson.

Historical Recollection Series:

Earl Harbaugh of Ditch Witch presented a picture of early Carol Stream and how Ditch Witch originated and the growth of the Village in those years.

CONSENT AGENDA:

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

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

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

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

1. Rezone R-1 to B-2 – 431 Geneva Road: Ord. 2009-06-28
2. Variation Land banked parking – 700-710 Kimberly – Ord.2009-06-29
3. Special Use-Outdoor Activities – 195 Alexandra Drive-Ord.2009-06-30
4. No action required: Variation: Fence Code – 1128 Evergreen Drive
5. Ordinance 2009-06-31: Amend Code 10-5-6 Pertaining to Raffles-
6. Request for Waiver of Fees for Amplification permit – 5k run
7. Received: Carol Stream Venture Flood Control Project – 1st update
8. Regular Bills, Addendum Warrant of Bills, Treasurer's Report 5/31/09

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

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

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

Rezone R-1 to B-2 – 431 Geneva Road: Ord. 2009-06-28:

At their meeting on June 8th, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to rezone the property at 431 Geneva Road from R-1 to B-2. The Board concurred with the recommendation and adopted Ordinance 2009-06-28, AN ORDINANCE REZONING PROPERTY FROM R-1 ONE-FAMILY RESIDENCE DISTRICT TO B-2 GENERAL RETAIL DISTRICT- (431 GENEVA ROAD).

Variation Land banked parking – 700-710 Kimberly – Ord.2009-06-29:

At their meeting on June 8th, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request for a variation for landbanked parking in accordance with Staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2009-06-29, AN ORDINANCE GRANTING A VARIATION FROM SECTION 16-13-2(G) FOR PARKING SPACE LANDBANKING – (700-710 KIMBERLY DRIVE).

Special Use-Outdoor Activities – 195 Alexandra Way-Ord.2009-06-30:

At their meeting on June 8th, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request for outdoor activities and operations at 195 Alexandra Way in accordance with Staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2009-06-30, AN ORDINANCE GRANTING A SPECIAL USE FOR OUTDOOR ACTIVITIES AND OPERATIONS – (195 ALEXANDRA WAY).

Ordinance 2009-06-31: Amend Code 10-5-6 Pertaining to Raffles:

The Board adopted Ordinance 2009-06-31, AN ORDINANCE AMENDING SECTION 10-5-6 OF THE CAROL STREAM CODE PERTAINING TO RAFFLES.

Request for Waiver of Fees for Amplification permit – 5k run:

The Board approved an amplification permit and waiver of fee for the Charge 5K run on August 1, 2009 at the Ross Ferraro Town Center.

Regular Bills, Addendum Warrant of Bills, Treasurer's Report 5/31/09:

The Board approved the payment of the Regular Bills in the amount of \$611,997.18. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$738,238.25.

The Board received the Treasurer's Report for the month ending 5/31/2009.

REGULAR MEETING:

Village Tavern & Grill – 291 S. Schmale Road.:

Variations – Outdoor Storage and Equipment Installation:

Michael Coughlan, owner of Village Tavern & Grill appeared before the Board. Trustee Manzzullo asked if the door into the cooler is actually outside of the building and not through the building and Mr. Coughlan said that there is no entry from inside of the building. Trustee Manzzullo asked if the cooler is locked at all times and was told yes and Mr. Coughlan explained that there will be a 10x12 cooler on a concrete pad and then there will be a fence, 20 feet out, that will surround the entire building and there will be one gate for entrance and exit from the parking lot. Trustee Manzzullo asked if empty kegs will be stored in the cooler and was told no, only the coldest beer in town will be in the cooler.

Trustee Fenner said that her questions were in regard to security, and she asked if there will be security cameras and Mr. Coughlan said that the vote tonight is to approve an 8

foot fence and that it will be securely locked and there will be lights and security cameras.

Trustee Fenner moved and Trustee Manzzullo made the second to approve Ordinance 2009-06-32, AN ORDINANCE GRANTING A VARIATION FOR OUTDOOR STORAGE AND EQUIPMENT INSTALLATION – (291 S. SCHMALE ROAD).

PROGRAMMING – CABLE CHANNEL 6:

Trustee Weiss said that during the budget process he requested additional appropriation for the Village's programming and would be used to supplement the televised Village Board Meetings, so that resident cable viewers would be able to learn more about various projects that the Village may be working on. This would include Public Works projects, and general improvement projects that are planned for the community or particular neighborhoods. The other question is, what would the policy of the Board be should a program outside of the Village's production control come to the community. The example used is if one of the area's State Legislatures were to produce their own program, such as the program's that are produced by Senator Pankau and Senator Milner and would like to have them broadcast within their district. The question is, would those programs be allowed to be broadcast on the same Channel that the Village would have its local programming on? If it would be allowed, how frequently would it be allowed to run and for what length of time? Trustee Weiss said that his recommendation is that if it is a program that will inform our community, especially by representatives of the community, is something that he feels Carol Stream residents should have the opportunity to view. He said that these Legislators discuss issues that are important to the people in the district and this would be one opportunity to get their programming out to our community. With the Village programming, that would be programming that would be ultimately under the control of the Village and however it is designated under our policy, but would also help keep our residents informed about work or projects that are either planned or going on at the time within the community.

Trustee McCarthy said that while he agrees with the events going on inside of the Village, whether is projects or it would highlight programs by the Park District or WDSRA programs he would like to keep non-partisan when it comes to our TV channel. He said that he would like to keep the politics out of it because it is important to use the channel to inform our residents of what is going on in the Village. Trustee McCarthy said that it is important that the Village does not appear to be backing any one party and if we did it would be opening a can of worms that will take Village authority for what is broadcast.

Trustee Fenner said that it seems that the programming is being misunderstood. She said that she has had the opportunity to be on the program that Senator Pankau puts on and it has nothing to do with politics. She said that when the program she was on was presenting the training program that she is the president of and it just happens that her program is Republican, however, the representative of the same program for the Democratic Women was there next to her and they talked together about the opportunities for women as a whole, it was definitely non-partisan. Trustee Fenner said that she does not think that any of Carol's (Pankau) programs are partisan at all and that they are very careful that is all about public service and all informational. She said that other communities are showing these programs to their residents and it would be a dis-service not to provide it to our residents.

Mayor Saverino asked if the Senators represent these other communities also and Trustee Fenner said that Senator Milner represents and is shown in Schaumburg and Senator Pankau in Addison, Glendale Heights. Mayor Saverino commented that those two Senators represent a large area.

Trustee Schwarze said that he agrees with both of what Trustees Fenner and McCarthy have said. The intention of the legislators wouldn't necessarily be inappropriate, but he said what will be seen is the perceived notion from possible opponents during an election year and that is what could open up the can of worms that Trustee McCarthy talked about and that would put the Village in a pickle.

Mr. Breinig said that having viewed a couple of the programs, particularly the one that Trustee Fenner was in. If we would have aired these programs, Trustee Fenner's program would have aired during the Village election that she was running for office. Mr. Breinig said that at that point it was apparent that this matter should come to the Board. He said it was indicative to him is that we don't control the content, and we shouldn't control the content, it should be unedited. But to do that it is going to require that someone view the program to determine what is on it and that particular program did not do anything to promote Trustee Fenner or encourage her election, it was just an explanation of what certain programs do. Mr. Breinig said that he does not know how the Village is to mediate or address political issues. Trustee Fenner said that the Board would have to agree that if a program from the Board was to be a subject in a tape, that that program would not be run during an election. She added that if this even smacks as a problem, why undertake it at all. Trustee Fenner said that with our Board, we have control of it, but we don't have control if our senators are up for election and it is their program.

Mayor Saverino asked if we would be able to view someone's program before it is televised on our channel and Mr. Diamond said that by doing that, it becomes prior restraint. This relates to the concept of public forum and the Board should probably take the position that if you are going to allow candidates to do this, you could probably limit it to people who are actually candidates for this area, because they would be giving reports to the public, but the Board wouldn't be able to view it for profanity or something like that, not for political content. The choice is does the Board want to have it simply a presentation for local governments, and if allowing the State officials to appear and make a report. Mr. Diamond said that the Board would not have to allow people that are running against them during elections, unless it wants to and at which point there will be a completely public forum. Mr. Diamond said that the most cautious approach to this is to only allow people who are in local government on the local channel. The Board could allow other State officials to have a program and deny equal time to another person, however that denial could be challenged.

Trustee Fenner said that the program from Carol Pankau was produced in Addison and is being shown in Addison and all the Village would be doing is to play that tape. The Village would not be incurring the expense of the tape, or the expense of getting that content and the same thing with Senator Milner, it is already being produced in Springfield, and they would be sending it to us and have it aired in our community and other communities. These programs are already being aired on local public access channels. Mr. Breinig asked if the Village received something from the Governor would we be required to air it and Mr. Diamond said no, he doesn't think so because the Governor represents the entire State, not just the local government, and the position is that only those that represent the immediate community would be permitted to air. Mr. Breinig asked if a press conference that is introducing proposed legislation should be aired on our local access channel and Trustee Fenner and Trustee McCarthy said they don't think that something like that does belong on the local channel.

Trustee Schwarze said that if these programs are done by each individual, that fact presents a concern in regard to getting the information out only with their own account of the facts. Trustee Weiss said that Senator Pankau used the Village of Addison's facility to produce her programs, and Senator Milner uses and operated, State managed studio in Springfield, it's not an agency or studio that he funds or pays for separately. It was

determined that most programs are run monthly and replaced whenever a new is made to replace it. Trustee Weiss said that these programs are to show viewers their State Representatives that are serving at this time and what they are doing. Most of these programs are done in a news conference type of format, subjects sit down for question/answer session, the State official brings in a guest, maybe someone from a State Agency, or a local agency, various people who are involved in various aspects within their district and they ask them questions and they typically run about 30 minutes.

Trustee Manzzullo asked if it costs anything extra to provide this additional programming and Mr. Breinig said that the Village has the equipment to insert programming, and since everything is digital, it is only a matter of programming it into the rotation. Trustee Manzzullo asked what is the amount budgeted for. Mr. Breinig said that the budgeted amount is for providing locally originating programming for local projects or concerns of the community and \$600 is not going to go very far.

Mayor Saverino asked if staff needs a vote of this tonight and Mr. Breinig said that the schedules are already set and that will keep going and it will be updated for Historical Recollections or other things that have come up, until the Board provides some direction, staff will carry on. Mayor Saverino asked that this be put back onto the agenda for the next regular meeting. Mr. Breinig said that he will send copies of the programs to each Trustee to get a feeling for what could be presented for airing on our local channel.

Mayor Saverino said that he would to have an assessor from Bloomingdale or Wayne Township to explain how a property tax bill is generated from the assessment of a property. It was the consensus of the Board to direct staff to start to work on getting this program produced.

REPORT OF OFFICERS:

Trustee Schwarze congratulated to GN Boy's gymnastic team on their success, and thanked Mr. Harbaugh for sharing his recollections and thanks to David Hennessey for volunteering for the Plan Commission. Please remember to Shop Carol Stream.

Trustee Fenner welcomed David Hennessey to the Plan Commission, she said she hoped everyone enjoyed the 4 day festival and she thanked the Youth Council for putting on the music fest.

Trustee McCarthy also welcomed Mr. Hennessey, he said that he too was glad to see people at the festival but the weather could have been warmer. Thanks to the Youth Council.

Trustee Manzzullo thanked Mr. Harbaugh for his recollection and congratulated Mr. Hennessey and commented that now there are two Daves on the commission. He thanked all of the volunteers that worked the 4 day fest and said it was nice to all the people enjoying the festival and reminded everyone to get out and enjoy the Thursday night concerts. Fourth of July is coming up and wished everyone a happy and safe 4th and asked everyone to please remember to pray for our troops that are fighting for our Freedom.

Trustee Schwarze said that fireworks are dangerous, let the professionals use them.

Mr. Breinig said that the Chicago Metropolitan Agency for Planning is holding a listening session for the Go To 2040 Plan at the public Library on June 18th from 7 to 9 p.m. and residents are encouraged to attend. He reminded residents that the refuse collection will not be moved from the normal day. Mr. Breinig said that there will aggressive enforcement of the ban for fireworks, as there was last year and he encouraged everyone to just let the professionals do it. He asked for direction from the Board regarding the Panthers Soccer Club is asking for another week to practice at Birchbark and Kuhn since so many practices have been rained out during the season. The

Board's decision was to allow them the extra week and Mr. Breinig said that the neighbors on Alison will be notified of the change.

Mayor Saverino said that vehicle stickers are one of his pet peeves. He also commented that after all of the campaigns and advertising, the Police Department wrote 1,747 seat belt violation tickets during a road side check. Mayor Saverino said that there were 600 reminders to buy vehicle stickers and reminded everyone that a vehicle sticker costs \$15, but if it is after July 1st, the sticker costs \$30 and the fine when ticketed for not displaying or having the sticker is \$100, so he said to buy the sticker now and put it on your car and save yourself a lot of money, time and trouble. He thanked Mr. Hennessey for volunteering for the Plan Commission, he also congratulated him on his upcoming marriage.

Trustee McCarthy moved and Trustee Fenner made the second to move to Executive Session to discuss Collective Negotiation Matters and to adjourn from that session without taking any further action. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

6th day of July, 2009.

Beth Melody
Village Clerk