

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

**November 16, 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  
Absent: none  
Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Attorney Stewart Diamond, Village Clerk Beth Melody & Deputy Village Clerk Wynne Progar

Cub Scout Pack 190, Den 3 presented the Colors and led all in attendance in the Pledge of Allegiance.

**MINUTES:**

Trustee McCarthy moved and Trustee Fenner made the second to approve the Minutes of the Meeting of November 2, 2009 with a change on page 5 of Memorial Park for Veteran's Park. The results of the roll call vote were:

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

**AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:**

Mayor Saverino read Resolution 2441, Commending Frank Giunti upon his retirement from the Village of Carol Stream Public Works Department. Trustee Gieser moved and Trustee Schwarze made the second to adopt Resolution 2441. The results of the roll call vote were:

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

Mayor Saverino read Resolution No. 2442, A Resolution in support of the successful sustainability initiatives of the Carol Stream Regional Postal Facility. Trustee McCarthy moved and Trustee Fenner made the second to adopt Resolution 2442. The results of the roll call vote were:

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

Recognition of 50<sup>th</sup> Anniversary by Congressman Peter Roskam was received from his office.

Historical Recollection:

Former Village President Janice Gerzevske gave her recollection on the development of the Village during her term of office.

**CONSENT AGENDA:**

Trustee Weiss moved and Trustee McCarthy 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	
Absent:	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	
Absent:	0	

1. Special Use- Outdoor Activities/Ops. – 815 Kimberly- **Ord. 2009-11-61**
2. Information only: Variation–Sign Code- 106 N. Schmale – Auto Showcase
3. Information only: Spec. Use-Outdoor Activities/Ops – 445-449 Randy Rd.
4. Information only: Gary Ave. Corridor review –Flip Flops – smoking shelter
5. Information only: Minor modification of PUD Plan- Mr. Car Wash 848 ATR
6. Red Light Adjudicator – renew agreement
7. Award of Contract-renew contract – Land Line telephone service
8. **Ordinance 2009-11-62:**Amend Code – Real Estate Transfer Tax
9. **Ordinance 2009-11-63:**Amend Code-Inc. Class A 8to9 Jade ATR
10. **Ordinance 2009-11-64:** Amend Budget
11. **Ordinance 2009-11-65:** Amend Code-Inc.Class C 19 to 20 – Mo ATR
12. **R. 2443:** Declare surplus property-
13. **R. 2444:** Author.Exec.Intergovt. Agree.-CS/Glenbard Dist. 87 & Reciprocal Reporting
14. **R. 2445:** Intergovt. Agree.-No. IL. Municipal Natural Gas Franchise Consortium
15. Regular Bills, Addendum Warrant of Bills, Treasurer's Report

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

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

**Special Use- Outdoor Activities/Ops. – 815 Kimberly- Ord. 2009-11-61:**

At their meeting on November 9, 2009, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request for a special use for activities and operations in accordance with staff recommendations, including slats in a seven foot fence. The Board concurred with the recommendation and adopted Ordinance 2009-11-61, AN ORDINANCE GRANTING A SPECIAL USE FOR OUTDOOR ACTIVITIES AND OPERATIONS – (815 KIMBERLY DRIVE).

**Red Light Adjudicator – renew agreement:**

The Board approved the reappointment of John Fiotti as adjudicator for hearings.

**Award of Contract-renew contract – Land Line telephone service:**

The Board awarded a renewal contract for telecommunications services to Call-One per the terms of the proposal.

**Ordinance 2009-11-62: Amend Code – Real Estate Transfer Tax:**

The Board adopted Ordinance 2009-11-62: AN ORDINANCE AMENDING SECTION 10-5-10 OF THE VILLAGE CODE – (REAL ESTATE TRANSFER TAX).

**Ordinance 2009-11-63: Amend Code-Inc. Class A 8 to 9 Jade ATR:**

The Board adopted Ordinance 2009-11-63, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER CLASS A LIQUOR LICENSES FOR 8 TO 9 – (JADE ASIAN INFUSED, 1021 FOUNTAINVIEW DRIVE).

**Ordinance 2009-11-64: Amend Budget:**

The Board adopted Ordinance 2009-11-64, AN ORDINANCE AMENDING THE ANNUAL BUDGET FOR THE VILLAGE OF CAROL STREAM FOR THE YEAR COMMENCING MAY 1, 2009 AND ENDING APRIL 30, 2010.

**Ordinance 2009-11-65: Amend Code-Inc. Class C 19 to 20 – Mo ATR:**

The Board adopted Ordinance 2009-11-65, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCE BY INCREASING THE NUMBER CLASS C LIQUOR LICENSES FROM 19 TO 20 – (MO LIQUOR, 1356 ARMY TRAIL ROAD).

**R. 2443: Declare surplus property:**

The Board adopted Resolution 2443, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM.

**R. 2444: Author.Exec. of an Intergovt. Agree.- CS/Glenbard Dist. 87 & Reciprocal Reporting:**

The Board adopted Resolution 2444, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF CAROL STREAM AND GLENBARD TOWNSHIP HIGH SCHOOL DISTRICT NO. 87 PROVIDING FOR A SCHOOL LIAISON OFFICER AND AUTHORIZING THE DEVELOPMENT OF GUIDELINES FOR RECIPROCAL REPORTING.

**R. 2445: Intergovt. Agree.-No. IL. Municipal Natural Gas Franchise Consortium:**

The Board approved AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL NATURAL GAS CONSORTIUM.

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

The Board approved the Payment of the Regular Bills in the amount of \$425,962.66.

The Board approved the Payment of the Addendum Warrant of Bills in the amount of \$749,580.16.

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

**REGULAR MEETING:**

**James Kosac – 1098 Spring Valley Drive: Variation Zoning Code:**

At their meeting on November 9, 2009, the Combined Plan Commission/ Zoning Board of Appeals came to a tie vote on whether to recommend approval of denial of a request for a variation to the Zoning Code to allow a shed in a required side yard. Chairman Michaelsen cast the tie-breaker vote to deny the recommendation of the variance that is sought. The matter now comes to the Board to either adopt the recommendation of denial or to override the denial recommendation. Mr. James Kosac, 1098 Spring Valley Drive appeared before the Trustees and said that he applied for a zoning variance for a shed due to the layout of his backyard. He said that they are kind of limited to when a shed can be placed that is approved by the Village Code. They would prefer to have the shed to the rear of the side yard, adjacent to Spring Valley Drive. Their house is on the corner of Spring Valley and Robin, and their front door faces in to the court and the side yard faces Spring Valley. The reasons they want to locate the shed there is that it would maintain the openness that is currently in the yard. Mr. Kosac said that there were three locations that were recommended by staff; choice A he does not want to go with because there is very steep topography there. There is only 19 feet of space between the fence and a sidewalk that runs along side the house as well as a basement window, and noted that shed there would basically cut the yard in half, and there is a gate that is used directly off of the driveway. Mr. Kosac said that the other issue regarding location A is that the neighbor to the right of his house sets back a little further, and is facing at an angle and he would be looking out his front and side window at the back of the shed in the Kosac's yard. Location D is off of the deck, and the problem with that location is that it would be directly in front of the kitchen windows and dining room windows and this is not what they want to look at. Mr. Kosac said that location C is kind of kitty-corner to the house, it would still be in the rear side yard, but instead of being against the fence it would run at an angle and it would still in front of the dining room windows. He said that they have a seven-year old son who is autistic and he would hate to have a big blind spot in the yard while his son is outside playing. He said that he would like to keep the yard open and flowing and the only other location where legally would be the best place to put it is a giant maple tree that would need to be cut down to put the shed in its place. Mr. Kosac said that there was an issue with the Plan Commission about openness from the street and he asked the Board to consider the openness in his back yard. He said that he can see the neighbor's issue and he would be willing to plant trees or shrubs that would grow tall enough to screen the shed.

Trustee Weiss said that he visited the property and it is a very unusually shaped yard, from the grading issue on one side to the narrow depth of the other parts of the yard. He noted that with the vote of 4-3, there is some support for the issue and the three options, each of which has a problem, he is coming here offering the compromise that he could put up screening of landscaping to block the shed and try to mitigate it from the street. There were issues that were brought up to try to lessen the burden on the family and he

read the notes and visited the property, and he has come up with another option that may be enough to get the variance.

Trustee McCarthy said that he appreciates Mr. Kosac would not want to see the shed from his back windows, but at the same time, moving it further out, then everyone else has to see it. There is a problem that, in as much as the home owner does not want to see it, this Board should not force every one else to see it, which is why the ordinance was written to begin with. There are other options and they are not perfect options but staff and the Plan Commission were trying to work with Mr. Kosac.

Trustee Gieser said that he also went by the property and he can appreciate the challenges since he lives on a corner side yard in a cul de sac. Trustee Gieser offered another alternative saying that in looking at the plat the shed could be put on either side of the maple tree. If you put it to the right of the tree, there is a public utility easement, but then the matter becomes getting the letters from the public utilities that have the easement agreeing to the encroachment. Trustee Gieser said that if the shed were placed on the left, there are no easement issues. Mr. Kosac said that then there would only be 13 or 14 feet between the fence and the back and this is also the issue of cutting the yard in half. It was determined that the shed can be right up to the side lot line. Mr. Kosac said that he appreciates all of the suggestions for other places but he just does not want the negative effect of the shed on the property.

Trustee Schwarze commented that he is concerned with the height of the 12.5 feet tall building. He said that even if it is kept and maintained the size does not lend itself to the neighborhood.

Trustee McCarthy said that considering all of the options that have been suggested, he will make the motion to concur with the Plan Commission in the denial of a request for a variance to allow a shed in a residential corner side yard. Trustee Fenner made the second.

Mr. Diamond said that when the Board concurs with a denial of a request, the motion should be to direct staff to return at the next meeting with an ordinance denying the request for the variance. Trustee McCarthy moved and Trustee Fenner made the second directing staff to provide an ordinance upholding the Plan Commission's recommendation of denial. The results of the roll call vote were:

Ayes:	5	Trustees Manzzullo, Schwarze, McCarthy, Gieser and Fenner
Nays:	1	Trustee Weiss

**Ordinance Levying Taxes for General and Special Corporate Purposes for the Current Fiscal Year Commencing on the First Day of May 2009 and Ending on the Thirtieth Day of April 2010 for the Village of Carol Stream, DuPage County, Illinois**

Trustee Fenner said that she had this taken off of the Consent Agenda because there are several people that wish to speak to the issue.

Robert Douglas, 1382 Boa Trail, Carol Stream and serve as a Trustee and Treasurer of the Carol Stream Public Library. He said that there are three points he would like to talk about. The first is that it was mentioned that Trustees of the Library Board were unconcerned with the plight of the people of Carol Stream in this economic time. He said that passing the renovation now, the money had been put away over time and is not a part of this levy. Taxes are not being raised in any way for that project and the Board felt that by waiting for six months would only cause construction costs to escalate and would not be fiscally responsible. By letting contracts for the \$1.2 million this has actually helped the local economy by providing actual jobs in the community and also

providing several more computers for residents to access to look for jobs. Mr. Douglas said that the actual reserve is \$2.8 million which is twelve months of reserves. The Library Board is looking at the end of the fiscal year to be only nine months in reserve. Mr. Douglas said that the levy that is before the Village Board has a .1 % increase in the levy over the previous year and is \$3,500 on a two million dollar budget. The following year will be 0% increase. Mr. Douglas said that the Library Board does not like coming to the Village Board to pass the levy every year, however they have looked at conversion to a District status and in looking at that conversion, for the first year alone, it will require the Library to spend an additional \$100,000 minimum. At a \$3500 tax increase it will take 20 years to raise that money for just the first year. Mr. Douglas said that with District status, the Library would lose the ComEd franchise and would cause significant additional funds to be expended every year. The Library Board does not want to cause an additional burden to the taxpayers and therefore the conversion to a District is not economically feasible, but it will be considered until such time as it is economically feasible.

Mr. Diamond said that in regard to the Levy, staff has added section 5 to the ordinance, which provides for a request to the County Clerk to computer extend the 2009 property tax for the Village of Carol Stream for the Library Levy as if the Village were a non-home rule community. The Board has then fulfilled the statutory obligations in approving the levy that the Library has requested so long as it is within their levying authority.

Mr. Breinig said that Staff ran that language by the County Clerk's Office and they have indicated that they will be able to apply that as it is worded.

Trustee Fenner said that the ordinance in front of us has changed the levy to meet the tax cap. She then moved to approve the Tax Levy ordinance and Trustee Weiss made the second. The results of the roll call vote were:

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

**Rental Property Licensing Program – Public Informational Meeting Report:**

Trustee Schwarze commented that after reading the discussion by Staff regarding their meetings with the landlords, he believes it would be appropriate to table this for and now and schedule another meeting to hear more detailed comments.

Mr. Breinig said that it does not have to be tabled since there are no documents to act upon. He said it would be better to schedule a workshop meeting prior to an upcoming Board Meeting where comments can be discussed and hopefully there will be more feedback on the issues.

Trustee Gieser said that in reading through some of comments he found that some of the rental units may be already inspected by other organizations, such as federal inspections that may be just as vigorous as what the Village is proposing. He would like staff take a look at the idea of reciprocity with other entities. Mr. Breinig said that if these other organizations are already meeting the intent of what the Village is proposing then it would not make sense to impose another level of bureaucracy. Trustee Gieser said he thinks another meeting would be appropriate. Mr. Breinig said that with other matters, such as the budget, would the Board be agreeable to waiting until after the first of the year to set up a workshop. The consensus was to wait until after the New Year.

**REPORT OF OFFICERS:**

Trustee Manzzullo congratulated Frank Giunti on his retirement. He thanked Sen. Roskam for the recognition of the Village's 50<sup>th</sup> anniversary and Janice Gerzevske for her Historical Recollection. Trustee Manzzullo asked every to pray for our troops and their families.

Trustee McCarthy said ditto to Trustee Manzzullo's remarks. He noted that the Youth Council is still collecting donations for Christmas Sharing. Trustee McCarthy commented that the weather is getting colder and reminded everyone that this is a good time to check on the elderly folks in your neighborhood and ask if they need any help with repairs. Trustee McCarthy said that it was a good sports weekend in Carol Stream with four out five gold level teams won their Super Bowl events. The teams will be at the next couple of Board meetings so the Board can congratulate all of them.

Trustee Fenner wished everyone a Happy Thanksgiving and reminded all of the Tree Lighting on Friday.

Trustee Gieser thanked Janice Gerzevske for memories of early Carol Stream. He said that the Round Table with the Village Managers will be televised at 7AM, Noon and 5 PM. Sunday and Thursday. Carol Stream Chamber of Commerce Christmas social will be on December 4, the Village Tree Lighting is on November 27 at the Town Center. Trustee Gieser said that he, Trustees Schwarze and Mayor Frank Saverino attended a Veteran recognition at Roy DeShane School.

Trustee Schwarze said Ditto to all of remarks so far, and asked everyone to Shop Carol Stream.

Trustee Weiss reminded everyone about the Early School Leavers Program stating that there will be an informational meeting on November 18<sup>th</sup> and to register the telephone number is 630-691-7577. Trustee Weiss said that there will be a First Time Homeowner meeting, sponsored by a HUD Agency, at Naperville on November 21 and in Addison on December 12. The telephone number to register is 630-260-2500.

Mr. Diamond thanked Jan Gerzevske and said that she was a Mayor and a Trustee that developed a consensus among the Board for all issues.

Village Clerk Melody wished everyone a Happy and Safe Thanksgiving .

Mr. Breinig said that Christmas Sharing will be December 10<sup>th</sup> and asked everyone to be generous to those less fortunate.

Mayor Saverino commented that the game at Glenbard North High School will be a huge event and asked residents to be generous to the drivers who have never been to the area. He commented that Jan Gerzevske was a great Mayor and that Rick Gieser has done an outstanding job in bringing residents of the past to share their recollections. Mayor Saverino congratulated Frank Giunti on his retirement, and said that he will be a loss to the community. He wished everyone a Happy Thanksgiving and good wished for a good holiday.

At 9:30 p.m. Trustee Fenner moved and Trustee McCarthy made the second to move to Executive Session to discuss Collective Negotiating Matters and Sale or Lease of Real Property and to adjourn directly from Executive Session without taking any action.

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

7<sup>th</sup> day of December, 2009.

Beth Melody  
Village Clerk