

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

June 2, 2008

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

Present: Mayor Frank Saverino, Trustees Michael Drager, Don Weiss, Greg Schwarze, Matt McCarthy, and Rick Gieser
Absent: Trustee Pam Fenner
Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Attorney Stewart Diamond, Village Clerk Beth Melody & Deputy Village Clerk Wynne Progar

The colors were presented by the Carol Stream Park District Baseball Second Grade Cubs and they led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Schwarze made the second to approve the Minutes of the Meeting of May 19, 2008 as presented. The results of the roll call vote were:

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

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Police Chief Rick Willing presented Corporal Robert White an award for achieving 250 DUI Arrest Milestone.

Police Chief Rick willing presented Paula Connor a Citizen's Award of Appreciation for her efforts in assisting the Police Department in preventing crime and apprehending criminals.

CONSENT AGENDA:

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

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

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

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

1. Information only: NE Corner/St. Chas. Rd. & Morton Rd Pre-Annexation-no action

- 2. Information only: 27W110 North Ave.-open sales lot –pre-annex. No action
- 3. Sign Code Variation- Merlin Mufflers- 852 Army Trail Road – No action
- 4. Information only: 120 S. Gary – Auto Laundry – no action
- 5. Fourth of July Parade Donation
- 6. Evergreen Drive - Tubeway Lift Station Design Contract:
- 7. Additional Red Light Camera Authorizations
- 8. Award of Contract/ Bid Waiver - 2008 Asphalt Rejuvenator Project
- 9. Ordinance 2008-06-25: Establish Fee in Lieu of Best Management Practices
- 10. Ordinance 2008-06-26: Adopt revised DPC County-wide Stormwater & Flood Plain Management Ordinance
- 11. Resolution 2347: Declare surplus property-seized vehicles
- 12. Request for fee waiver – amplification-JP Run on 8/31/08
- 13. Request for fee waiver – Bridgeway Comm. Church-6/15,7/20 & 8/17/08
- 14. Regular Bills, Addendum Warrant of Bills, Treasurer’s Report – 4/30/08

Comments: Trustee Weiss asked Village Engineer Jim Knudsen why IDOT does not fund this rejuvenator project and he responded the IDOT does not fund any rejuvenation type projects. They will allow the use for shoulders but not for paved roadway surfaces.

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

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

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

Fourth of July Parade Donation:

The Board approved a budgeted donation to the 4th of July Parade Committee in the amount of \$17,831.00.

Evergreen Drive - Tubeway Lift Station Design Contract:

The Board approved a design services contract with Baxter & Woodman for the design of replacement facilities for both the Evergreen Sanitary Lift Station and the Tubeway Drive Storm Water Lift Station in the amount of \$70,500.

Additional Red Light Camera Authorizations:

The Board approved the recommendation of the installation of cameras on northbound Gary Avenue at Lies Road and southbound Gary Avenue at Lies Road and directed that staff proceed with the permitting process.

Award of Contract/ Bid Waiver - 2008 Asphalt Rejuvenator Project:

The Board approved the waiver of bid and contract award for the 2008 Asphalt Rejuvenator Project to American Road Maintenance (formerly Midwest Tar Sealer Company) in the amount of \$185,000.

Ordinance 2008-06-25: Establish Fee in Lieu of Best Management Practices:

The Board adopted Ordinance 2008-06-25, AN ORDINANCE ESTABLISHING A FEE IN LIEU OF BEST MANAGEMENT PRACTICES PROGRAM.

Ordinance 2008-06-26: Adopt revised DPC County-wide Stormwater & Flood Plain Management Ordinance:

The Board adopted 2008-06-26, AN ORDINANCE ESTABLISHING A FEE IN LIEU OF BEST MANAGEMENT PRACTICES PROGRAM.

Resolution 2347: Declare surplus property-seized vehicles:

The Board adopted Resolution 2347, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. – SEIZED VEHICLES

Request for fee waiver – amplification-JP Run on 8/31/08:

The Board approved a waiver of fee for an amplification permit for the JP Run on August 31, 2008.

Request for fee waiver – Bridgeway Comm. Church-6/15, 7/20 & 8/17/08:

The Board approved a waiver of fee for an amplification permit for Bridgeway Community Church for 6/15, 7/20 and 8/17/08 at Community Park.

Regular Bills, Addendum Warrant of Bills, Treasurer's Report – 4/30/08:

The Board approved the payment of the Regular Bills in the amount of \$239,295.93.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$639,077.89.

The Board accepted the Treasurer's Report for month ending April 30, 2008.

REGULAR MEETING:

Angel Associates, LP, South of St. Charles Road, East of Schmale Road:

Special Use Permit for PUD, Preliminary/Final PUD Plan Approval, Special Use Permits for Bank, Drive-Up Service Windows (2), Shopping Plaza and Auto Laundry, Rezoning to B-3 Service District:

Mario Spina, Angel Associates, LP appeared before the Board. Trustee Gieser said that he thinks that there is a lot of activity going on in a small area, with the drive-up lanes and drive-thru areas. Trustee Gieser explained that at the last meeting, he asked Mr. Spina's representative if the drive-thru bank could be eliminated to ease some of the congestion and at that time that person said that the elimination was a possibility and he asked Mr. Spina if this was still the case. Mr. Spina said that he would rather not eliminate the bank. He described the property's irregular shape and commented that in dealing with that problem and needing to fill it with a retail center, the bank is the one business that can be used in the center of the property as a draw to the retail center. Mr. Spina said that he thinks the traffic flow works well and he does not see how there will be very many traffic problems, especially since there are two entrance points, one on St. Charles and one on Schmale. Trustee Gieser said that he can see the large stacking area for the car wash, but he thinks that on nice summer days the stacking would interfere with the rest of the development. Mr. Spina said that the Village requires 30 car stacking and that is a lot more than is needed with this operation. He explained that the car wash is dual stacking, which means that there are two lanes into the car wash, and each car be processed in about 3 minutes so 10 to 15 spaces would be more than enough and there are 25 spaces on the plan. Mr. Spina noted that this car wash will process 100 cars per hours. Trustee Gieser said that he is still concerned about the bank and just how the stacking from the car wash and the bank flow and the retail center

traffic could cause a lot of problems and he would be much more comfortable without the bank.

Mayor Saverino asked how this can do 100 cars in an hour and Mr. Spina explained that there are two tunnels that are 142 feet in length each. There can be up to five vehicles in each tunnel at one time.

Trustee McCarthy asked if this operations runs completely unmanned and was told that there are at least two employees at one time and in response to the question in regard to security, it was stated that there will be security cameras and all of the area well lit.

Mayor Saverino asked what the hours of operation will be and was told that they will be from 6:00 a.m. to 10:00 p.m. Monday thru Saturday and 10:00 a.m. to 10:00 p.m. on Sunday.

Trustee McCarthy stated that he agrees with Trustee Gieser in regard to the bank and commented that there are just too many banks and he also agrees that there are just too many conflicting traffic patterns. Mr. Spina said that they are planning to build the strip center, then the car wash and then do the bank at a later time, but they wanted to have approval for the bank up front. Trustee McCarthy asked Mr. Spina if he would be willing to continue without an approval for the bank, so the Board can see how it all goes together, and getting approval for the bank at a later date. Mr. Spina said that this would be something that he could look at. Mayor Saverino asked if he means he would just look at that or does he mean it is something he would do? Mr. Spina said that there have been other inquiries for the site besides banks, such as food service and other users. He also explained that by having the additional tenancy of the bank would help off-set the cost of the required underground retention.

Trustee Gieser asked if there are other possibilities than a bank for that site since the representative at the last meeting gave the impression that there will be a bank. Mr. Spina said that they have received many phone calls from retail users for that space.

Mr. Diamond said that if the area is not going to be a bank, then the parking requirements could change depending upon the use.

Mr. Glees said that if it is the pleasure of the Village Board to craft and approval which held off the approval for the bank, he suggested that the special use permit for a bank be removed and deal with that separately, or perhaps deny it at this time. Actually the Board is not being asked for any approvals at this time, but rather to go forward and develop the annexation agreement and once that is put together, staff will be coming back requesting approvals for everything. So there is time to decide how the Board wishes to deal with all of these approvals. If the request is to cut the bank out of the development, that would be fairly simple.

Mr. Diamond said that makes every thing easier and the Board should ask the staff to consider discussions but to not approve a bank at this point and then Staff will come back as to whether there will be further discussion about them coming back for a bank for that space or whether it will be left out totally. The motion should be to ask staff to go forward but without a bank and ask the petitioner to consider either a substitution or a requirement that additional approval be sought for any additional space on the site.

Mayor Saverino asked how many additional parking spaces will be required if it is not a bank. Mr. Glees said that if the were retail, it likely would be a "wash", if it was the same building size, however it were a restaurant, which is a very parking intensive use, likely there would need to be a significant revamp of the site plan. Mayor Saverino noted that we decide not to have a bank now, and when a developer comes in and wants to build a restaurant and the Village tells him that there is not enough parking, how right is that. Mr. Breinig said that there could be valet parking as is for the Fountains at Town Center and there have been other arrangements that have been developed and are working. The motion would be ask staff to continue with the discussions and to make a

recommendation to the Village Board with regards to the third structure, now shown as a bank on the site. If it is not going to be a bank, then they would know that there would be some things that they could not put on there, due to the design of limited parking spaces. Mr. Diamond said that one of the original thoughts about this development was is this site just too heavily used and as owners of property they would have to decide if they were going to come back, with no knowledge at all as to whether there could be an additional building, it would be hard for them to annex. If the concern was with regards to allow a retail facility then they could come back later as long as they can meet the parking requirement. Mayor Saverino said that the major concern, originally, was that there are three drive-thrus on the site. They are the car wash, the Dunkin Donuts and then the drive-thru bank on this amount of property. He said that by putting the entrance at the back on St. Charles Road and having one on the Schmale side, should alleviate that problem. Mr. Spina said that with the amount of parking spaces on the property, he does not see where any retail business would not have enough parking already available.

Trustee Weiss moved and Trustee McCarthy made the second to direct staff to go forward but without a bank on the site plan and ask the petitioner to consider either a substitution or a requirement that additional approval be sought for any additional space on the site. The results of the roll call vote were:

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

Ordinance Amending Section 5-7-5 of the Carol Stream Code of Ordinances – Motor Vehicle License Late Charges:

Trustee Weiss reviewed his position in regard to the penalty for not purchasing the Motor Vehicle sticker by the deadline date of June 30th. In regard to the ordinance being presented on the agenda, he suggested that after the July 31st date, right now the ordinance reads a \$20 violation ticket would be in order from July 1st to July 31, 2008, he would like to propose that the penalty then be \$50 from August 1, 2008 through December 31, 2008, and then go to \$100 on January 1, 2009, with the penalty being \$100 henceforth as of July 1st each following year.

Trustee McCarthy said that he does not see any reason for not going forward with the \$100 penalty this year. The resident has from May 1st to June 30th to buy a vehicle sticker, which he thinks is reasonable.

Trustee Schwarze said that it seems that a lot of people have a lot of different opinions on this matter. He added that he likes the idea of a \$50 penalty until the end of the year and then going to \$100. The issue he has is that right now we double the cost of the sticker itself, if they don't get it on time. So not only are you fining \$100, but then your still doubling the cost of the sticker and it seems a little excessive.

Trustee Gieser said that if your car gets towed, you pay for the towing, plus you pay the ticket for illegally parking. He said that he thinks it is similar to what is being done here, in that you are paying the fine and an excess fee. As it is proposed, \$100 fine at this point is appropriate.

Trustee Drager said that how will the late tickets be written and Mr. Breinig said that the enforcement after the due date for purchasing the sticker is everything from parking lot sweeps where we have parking agreements and in the business community, again where we have agreements, we go through to check. Mr. Breinig noted that what is missing from this discussion is that it is only about enforcement, but no one has talked about the effort that goes into trying to educate people beforehand and make them an

informed consumer to buy the sticker. Unlike other municipalities, we create points of sale in the apartment complexes to facilitate the residents. Finance should be credited for making this happen. We don't do road blocks like what was done years ago, but if anyone is stopped for another violation and does not have a valid vehicle sticker, a ticket will be issued. There is not going to be a specific vehicle sticker initiative.

Mayor Saverino asked Police Chief Willing how many tickets were issued last year and it was stated it about 3,000. Chief Willing said that enforcement is real easy when there is public, accessible parking, but most likely, the scofflaws are living in single family residences and have their vehicles in a secured garage. There is no way to know exactly how many vehicles are licensed in the Village limits, so after we do the initial enforcement sweep of the public areas, the predominant violator we see, are those living in single family residences. Mayor Saverino said that he has had many questions about vehicles that do not have stickers and how that it is not fair. He noted that most people are not intimidated with a fine of \$20 and will not buy the sticker until they get a citation. He said that he would have preferred a \$200 fine.

Trustee Weiss moved and Trustee Schwarze made the second to adopt an Ordinance Amending the Village Code regarding Motor Vehicle Late Charges to insert the following: July 31, 2008 \$50 penalty from August 1, 2008 through December 31, 2008, and the balance of the ordinance as it read. The results of the roll call vote were:

Ayes:	2	Trustees Weiss and Schwarze
Nays:	3	Trustees Drager, McCarthy and Gieser
Absent:	1	Trustee Fenner

The motion fails.

Trustee McCarthy moved and Trustee Drager made the second to pass the ordinance as originally presented. The results of the roll call vote were:

Ayes:	4	Trustees Drager, McCarthy, Gieser & Mayor Saverino
Nays:	2	Trustees Weiss and Schwarze
Absent:	1	Trustee Fenner

The Mayor voted because an Ordinance must be adopted by four votes. This is Ordinance 2008-06-27.

Ordinance Prohibiting Possession and Use of Fireworks.

Trustee McCarthy said that this ordinance changes the fine for a fireworks violation anywhere from \$250 to \$1,000 and he added that he does not have a problem with the idea, itself, but he is afraid that somebody could have a bad day, and give a kid a \$250.00 ticket. He said that he would like to see this as strictly a "complaint driven" violation. If someone calls and after investigation, can give the \$250 ticker, but he does not want to see it get out of hand.

Mayor Saverino asked what the fine is now, and Chief Willing said that under State Statutes, the penalty can be up to one year in jail and up to \$2500. fine for a Class A misdemeanor for any quantity. Mayor Saverino then said that our ordinance would be 10% of the fine and jail time.

Mr. Breinig said that the Police are so busy on the 4th of July that is would be complaint driven. The only caveat is the if someone comes upon something that is outrageous, it would be negligent for the Village not to act, and we would have to initiate the action. He said to Trustee McCarthy that he sees where he is coming from, but there will have to be issues that will require initiation of charges. Trustee McCarthy absolutely understands

that kind of scenario has to be acted upon at the moment. Chief Willing said that on the 4th of July, Police Officers, on a routine basis, seize and warn.

Mr. Diamond commented that the main purpose of this is so that the Village can charge residents on a local offense instead of a State offense. He added that there has never been an occasion that has been adopted stating that it is only complaint driven and if there would be a problem, it would be addressed through the Chief.

Mayor Saverino said that there was a situation last year that got totally out of hand, with a resident using Class B fireworks in a cul de sac and shooting them in every direction, and scaring many residents. Mayor Saverino said that anytime people are faced with a stiff fine, there is always more compliance.

Trustee Schwarze said that what is getting lost in this conversation is the loss of fingers and hands, eyes and eyesight, also the burns and the structure fires that can happen with improper use of fireworks.

Mr. Diamond said that for the record, it should be stated that in a severe case, the Police Department still has the ability to charge under the State Statutes. People need to know that the State Law penalty is still available, if they ignore police warnings or are involved in something that justifies that State fine.

Trustee Schwarze moved and Trustee Weiss made the second to adopt Ordinance 2008-06-28, AN ORDINANCE PROHIBITING POSSESSION AND USE OF FIREWORKS. The results of the roll call vote were:

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

2008-09 FUNDING REQUEST FROM THE DUPAGE SENIOR CITIZEN COUNCIL:

Mr. Breinig said that he talked to the Deputy Director last week and discussed some of the logistical problems that have remained the same each year in that the funding request comes off-cycle. The problem is that the request is made after the budget has been put together and it comes too late. Trustee Gieser said that we have \$8,400 currently in the budget and Mr. Breinig said that this is what was carried forward, and asked the director to get their request into the Village by October so that it can be discussed in the budget workshops. Trustee McCarthy moved to approve the \$8,400 allotted to the DuPage Senior Citizen Council. Trustee Schwarze made the second. The results of the roll call vote were:

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

REPORT OF OFFICERS:

Trustee Drager thanked Officer White for keeping our roads safe and to Paula Connor. He said that the car show was great and reminded everyone to come out for the four day event at the Town Center. As always he asked everyone to pray for our troops.

Trustee McCarthy echoed Trustee Drager's invitation to the four day event and noted that the Youth Council will be having their event Saturday from 3 p.m. to 11 p.m. with 15 bands lined up. Trustee McCarthy said that he would like to remind drivers to pull over to the side of the road for emergency vehicles.

Trustee Gieser said that the American Legion hosted a very nice Memorial Service that was very moving. He said that there was a great recycling program at the Library that

was very informative. Trustee Gieser said that anyone can still get an application for the Parade and that they are available on line and in the Municipal Center. The theme is the same as the vehicle sticker, Village of Carol Stream, Care and Service to All.

Trustee Schwarze congratulated Officer White on his accomplishment and also to Paula Connor for her involvement. Trustee Schwarze said that is there is any question about a situation, he advised everyone to call 9-11 to be on the safe side. He thanked Trustee McCarthy for his reminded of pull to the right for sirens and lights. Trustee Schwarze said that Fire Protection District and the Police Department have started a new program for seniors living in single family homes called SHIP, Senior Home Inspection Program. Any senior in a single family home can apply and they will get a crime prevention specialist, a fire safety specialist that will come to your home to advise about keeping your home safe and the Fire District will walk through you home and look for different fire hazards and fall hazards and advise accordingly. If interested seniors can call Trustee/Fireman Schwarze at the Fire Protection District. Trustee Schwarze asked everyone to SHOP CAROL STREAM,

Trustee Weiss congratulated Corporal White and Paula Connor on their achievements. He congratulated the Police Department in regard to the Wheels of Justice and the Bike Rodeo. Trustee Weiss said that his nephew, on becoming an Eagle Scout, recognized his Grandfather as his mentor and this young man will also be going into the Marine Corps just as his grandfather did. Trustee Weiss said that he now finds it even more appropriate when Trustee Drager says pray for our troops.

Mr. Breinig encouraged everyone to come out for the four day festival and noted that everything is listed in the Correspondent. He also noted that the first concert of the season is Thursday, the 12th

Village Clerk Melody encouraged everyone to come to the 4 day festival.

Mayor Saverino said that he attended a DARE graduation this weekend and was proud to see a young lady named Loren Schwarze who read an awesome essay as well as the winner of the contest at Cloverdale. Mayor Saverino said that calling 9-11 is a good thing, if you ready to get involved, if you are not, then don't waste anybody' s time. He said that they had great weather for the Toys 4 Tots car show. Hot Spot Hot Dogs took over taking care of the food and he thanked that for stepping in at the last minute. He said that there is the Festival at the Town Center June 5,6,7 & 8 come out and have a great time. Mayor Saverino said that he took Jan Smith to the Clean Air Counts on May 22 and he announced that Ann Kennedy received an award for the Library.

At 9:25 p.m., Trustee Schwarze moved and Trustee McCarthy made the second to adjourn. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

16th day of June, 2008.

Beth Melody
Village Clerk