

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

July 7, 2008

Mayor Frank Saverino 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 Saverino, Trustees Michael Drager, Don Weiss, Greg Schwarze, Matt McCarthy, Rick Gieser and 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

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

MINUTES:

Trustee Weiss moved and Trustee McCarthy made the second to approve the Minutes of the Meeting of June 16, 2008 as presented. The results of the roll call vote were:

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

CONSENT AGENDA:

Trustee Fenner 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 Drager, Weiss, Schwarze, McCarthy, Gieser & Fenner
Nays: 0

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

1. For information only: David Schonback – NEC St. Charles & Morton
2. Final Plat of Subdivision: Tall Grass Square-NEC Gary & Lies – R. 2350
3. Rear yard setback variance: 652 Chestnut Drive – Ord. 2008-07-31
4. Expansion of a non-conforming use variance: 370 S. Main Place –Ord. 200-07-32
5. Zoning upon annexation: Spec. uses, variations- Chicago Motors Corp.- 27W 110 North Ave.
6. Spec. Uses: auto laundry, auto svc. station; Variances: outdoor activities, Vehicle stacking : Mehran Farahmandpour – 120 S. Gary- Ord. 2008-07-33
7. Contractual Service: Performance Management & Incentive System
8. Budget Transfer

- 9 Ordinance 2008-07-30: Prevailing Wage
- 10 Resolution 2351: Declare surplus property – seized vehicles
- 11 Amplification permit – fee waiver – Outreach Community Center
- 12 Receipt of Board of Library Trustees 2007-08 Annual Report
- 13 Regular Bills, Addendum Warrant of Bills

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

The following is a brief description of those items on the Consent Agenda.

Final Plat of Subdivision: Tall Grass Square-NEC Gary & Lies – R. 2350:

At their meeting on June 23, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the Final Plat of Subdivision for Tall Grass Square, North East Corner of Gary Avenue and Lies Road in accordance with staff conditions. The Board concurred with the recommendation, but deleted recommendation #3, that the Final Plat can be recorded when presented, but that no building permits will be issued until the Plat of Easement Vacation has been recorded. The Board adopted Resolution 2350, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION – (TALL GRASS TOWN SQUARE – NORTHEAST CORNER OF GARY AVENUE & LIES ROAD).

Rear yard setback variance: 652 Chestnut Drive – Ord. 2008-07-31:

At their meeting on June 23, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a rear yard setback in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2008-07-31, AN ORDINANCE GRANTING A REAR YARD SETBACK VARIATION – 652 CHESTNUT DRIVE.

Expansion of a non-conforming use variance: 370 S. Main Place –Ord. 2008-07-32:

At their meeting on June 23, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a request for a variation for an addition to a nonconforming building in accordance with staff recommendations. The Board concurred with the recommendation, adding that the approved site plan be attached to the Ordinance, and adopted Ordinance 2008-07-32, AN ORDINANCE GRANTING A VARIATION ALLOWING AN EXPANSION OF A NON-CONFORMING STRUCTURE – (370 MAIN PLACE).

Zoning upon annexation: Spec. uses, variations- Chicago Motors Corp.- 27W 110 North Ave. :

At their meeting on June 23, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a request for a variation for an addition to a nonconforming building in accordance with staff recommendations. The Board directed staff to proceed in negotiating a pre-annexation agreement with Chicago Motors Corporation.

Spec. Uses: auto laundry, auto service station; Variances: outdoor activities, vehicle stacking: Mehran Farahmandpour – 120 S. Gary- Ord. 2008-07-33:

At their meeting on June 23, 2008, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the stated special use permits, auto laundry, and auto service station and variations for outdoor activities and vehicle stacking spaces, all in accordance with staff recommendations. The Board concurred with the recommendations adding that the hours of operation shall be no earlier than 6 a.m. and no later than 10 p.m. and adopted Ordinance 2008-07-33, AN ORDINANCE APROVING A SPECIAL USE PERMIT FOR A CAR WASH AND AUTO SERVICE STATION, AND VARIATIONS FOR STACKING SPACES AND OUTDOOR BUSINESS OPERATIONS – (120 S. GARY AVENUE).

Contractual Service: Performance Management & Incentive System:

The Board approved of Performance Management and Incentive System consulting services to The Mercer Group in the amount of \$26,525.

Budget Transfer:

The Board approved a budget transfer in the amount of \$26,525 from the Contingency Account to the Consultant Account for the Implementation of consulting services for Village-wide Pay for Performance System.

Ordinance 2008-07-30: Prevailing Wage:

The Board adopted Ordinance 2008-07-30, AN ORDINANCE OF THE VILLAGE OF CAROL STREAM, DU PAGE COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED ON PUBLIC WORKS PROJECTS OF SAID VILLAGE.

Resolution 2351: Declare surplus property – seized vehicles:

The Board adopted Resolution 2351, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. – (SEIZED VEHICLES)

Amplification permit – fee waiver – Outreach Community Center:

The Board approved an amplification permit and waiver of fee for the Outreach Community Center's Community Barbecue on August 5, 2008.

Regular Bills, Addendum Warrant of Bills:

The Board approved the payment of the Regular Bills in the amount of \$348,538.56. The Board approved the payment of the Addendum Warrant of bills in the amount of \$703,172.14.

REGULAR MEETING:

Ordinance Approving a Special Use Permit for a Car Wash and Auto Service Station, and Variations for Stacking Spaces and Outdoor Business Operations – (120 S. Gary Avenue).

Trustee McCarthy asked if the car wash will be open 24/7 and was told it would be. Trustee McCarthy said that he is concerned about the noise from the dryers disturbing the guests at the adjacent hotel and the petitioner said that the dryers are hand dry only

and everything else is contained inside of the tunnel. The petitioner went on to say that he is not sure of the exact hours of operation, but he thinks that the car wash would close at 9 p.m. everyday except Sunday which would be 7 p.m. It will not be an overnight operation.

Mr. Diamond noted that if necessary the Board can restrict the hours of operation in the future. He said that the hours of operation can be added to the Special Use Ordinance. It was determined that the hours of operation from 6 a.m. to 10 p.m. will be added as a condition to the ordinance.

Trustee Gieser said that there is an existing median in the road leading into the property and asked if it will be removed and was told that it will be. In response to the question of automobiles using that road for stacking, the petitioner said that they have provided 21 stacking spaces instead of the original 11 and they believe that there will be no need to have the road used for staging. It was also stated that the road is wide enough for cars to pass each other narrowly and there is no entrance from North Avenue.

Trustee McCarthy moved and Trustee Weiss made the second to approve Ordinance 2008-07-33, AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A CAR WASH AND AUTO SERVICE STATION, AND VARIATIONS FOR STACKING SPACES AND OUTDOOR BUSINESS OPERATIONS – (120 S. GARY AVENUE) with the additional condition that operating hours will be from 6:00 a.m. to 10:00 p.m. The results of the roll call vote were:

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

Presentation by Value Place for a New Hotel and Shopping Plaza at 200 W. North Avenue:

Robert Parsons and Tom Matthews gave a full presentation of the proposed project of a new hotel and shopping plaza at 200 W. North Avenue. Mr. Parsons said that they estimate that the sales tax portion would be about \$50,000 a year so they are prepared to escrow \$150,000 and if they do not break ground for the retail development by the Spring of next year then the sales tax that you would lose because we didn't do that, the Village could draw that amount down on a monthly basis until they did build the center. He said that would be sufficient for three full years of them not building the retail.

Tom Matthews gave a presentation about the hotel, its functions and procedures. He also spoke about the security features and the financial benefits to the Village.

Trustee Schwarze asked what research has been done to determine who the clientele will be for the hotel and Mr. Matthews said that they have done informal market research, where an employee actually called human resource departments in companies within a five mile radius of a proposed hotel and asked if they refer consultants and other employees to long term stay hotels (42% in this area) and he noted that there were double the number of qualified employers that are looked for in five mile radius.

Trustee Schwarze asked if there is a defined maintenance plan for the public areas and exterior of the hotel and it was stated that there is a deferred maintenance plan that is used for general maintenance. There are also two employees that are property attendants at each hotel and some of their essential job functions are shampooing carpets, light electrical work, light plumbing, studio preventative maintenance programs that include preventative pesticide treatments, janitorial work, parking lot upkeep and other duties as assigned.

Trustee Schwarze asked if this is the only location that they have looked at in Carol Stream and he was told that generally they would be looking for a larger site, but as a

business model, this works financially because of where it is at, the visibility, the car counts, the employer counts, rooftops, and median incomes all are factors.

Trustee Schwarze asked how Value Place could improve the quality of life for the residents of the Village and Mr. Porter said that they as a group, bring quality to whatever it is that they do, so it will look nice, it will be kept up, it will not be an eyesore, ever, and they bring financial strength to the community, the number of dollars that the hotel will bring within the circle of food, clothing and restaurants and gasoline. Mr. Porter said that this will be their first hotel and it is their most important hotel and they are anxious to be able to use this as the ideal for the next community.

Trustee Weiss asked if they will be using a changeable copy sign and Mr. Porter said that they will meet the sign code regulations and if allowable they could use changeable copy signs on the monument sign, not generally on the building.

Trustee Weiss asked if there is a cross easement to either Windsor Park on the west or Brunswick to the east? There is an easement to the bowling alley side. Mr. Glees said that this is something that was discussed in the course of the project and the staff comment is that the parking in the area of the commercial building should be designed so as to be connectable with a future development to the west, whatever that might be. That is what the applicant has done. Staff has discussed the development with Windsor Park and they do not have any plans for that vacant site, immediately west of the proposed Value Place site at this time. What they are thinking of is probably to try to get approval of an expansion of their residential development. However, it may be commercial. If it were a residential development, they have indicated that they would not be in favor of a cross connection. However, it were commercial, they would not have an objection.

Trustee Weiss asked the Village Attorney if, in the future, Value Place is taken over or sells to another entity, would the Village have any control over what name, tenant, brand name ultimately takes over this property, that it would be at a level that is consistent, or higher than what we are debating right now, through a stipulation or condition. Mr. Diamond said that, fortunately, this property is unincorporated, so the Village has the device of an annexation agreement to use to have some control over the use. If the Board would choose to have this be a hotel that people check into for a week at a time, then it could be incorporated into the annexation agreement, if the owners agree to it. The Village could attach to the agreement, many of terms under which the facility would operate. It could include that this must be operated by a national franchisee, not owned as a single unit and a lot of it would incorporate what terms the Board wants.

Mayor Saverino said that he also would like to have the agreement protect our hotel tax collection with this and any future owners.

Trustee Gieser asked if they are developing this property or any property to retain ownership, or to sell to other people. Mr. Matthews said that their goal, right now, today is that they keep Value Place. They are hoping to build 40 or 50 of them, which would be a great victory for them.

Attorney Diamond noted that an annexation agreement is binding for twenty years, so even if the hotel is sold, the agreement runs with the land.

Trustee McCarthy asked if a hotel guest can have an overnight guest stay in the room and was told no. He said that in investigating other similar hotels, he has not seen a lot of occupancy, judging by cars in the parking lot, and asked about filling the occupancy requirements needed to succeed. Mr. Matthews said that current Value Place hotels that are open have over 80% occupancy.

Trustee Drager said that he shares Trustee McCarthy's concern about the occupancy of the hotel. He also noted that the retail center in Frankfort, IL looks a lot nicer than what

is being proposed and Mr. Porter said that they will build the retail to look the same as Homer Glen/Frankfort, or work with whatever the Board wants.

Trustee Gieser asked what is "breaking ground" in relation to the tax escrow and it was stated that breaking ground means pouring foundations. Their expectation is that in the spring of 2009 they will have all of the leasing, and the financing in place, so they can pour foundations and start laying brick. If they do not do that, then they are penalizing the Village of Carol Stream by not doing what they said they would do. The \$150,000 should replace the sales tax, by using some formula that is worked out. Trustee Gieser said that his concern is that the Village could be left with a concrete pad and utilities if the economy does not warrant further development. All the utilities would be in, but it would site graded, not concrete.

Mayor Saverino said that the Village has had a lot of promises from developers about retail development that has never happened and he is comfortable that something will happen here, either development or receipt of retail sales tax.

Mr. Diamond said that the Board should move to authorize staff to negotiate an annexation agreement and come back to the Board at a public hearing for approval. He suggested that better renderings and elevations should be produced by the petitioner so that the Board can see how this will match up with the hotel.

Mr. Breinig asked Mr. Diamond if there should be a motion to reconsider since at the last meeting the Board moved to direct staff not to move forward with the annexation agreement. Mr. Diamond concurred and the motion would be made by someone who voted against going forward to reconsider the previous decision.

Trustee Fenner moved and Trustee Schwarze made the second to reconsider the previous motion to direct staff not to proceed with negotiating an annexation agreement. The results of the roll call vote were:

Ayes:	4	Trustees Weiss, Schwarze, Gieser and Fenner
Nays:	2	Trustees Drager and McCarthy

Trustee Weiss moved and Trustee Schwarze made the second to direct staff to work on a draft of an annexation agreement and to present it back to the Village Board for a public hearing. The results of the roll call vote were:

Ayes:	4	Trustees Weiss, Schwarze, Gieser and Fenner
Nays:	2	Trustees Drager and McCarthy

Mr. Diamond noted that it takes five (5) votes to approve an annexation agreement.

REPORT OF OFFICERS:

Trustee Weiss congratulated the Carol Stream Park District White Sox, 3rd 4th Grade Softball Champions. He also thanked the 4th of July Parade Committee, the businesses that supported and everyone that turned out to watch the parade.

Trustee Schwarze echoed Trustee Weiss' comments for staff. He said to Shop Carol Stream.

Trustee Gieser said that this was a great parade, it was the biggest ever and he thanked the Committee that works for 12 months a year to make the event come together.

Trustee Drager said the parade was awesome, and thanked the McCarthy's and the Gieser's for all of their work. He said that in regard to the Community Pride awards will be soon and said that there should be awards for those that don't care for their property and they are called tickets. Keep the Village clean. Pray for our troops!

Trustee McCarthy said that Kim Gieser drives the boat for the parade and thanked Public Works and the Police Department for their contributions.

Trustee Fenner echoed all of the thanks for the Parade.

Village Clerk Melody thanked everyone for their good wishes for her daughter's recovery and said that Melissa is doing well.

Village Manager Breinig reminded everyone of the Thursday concert.

Mayor Saverino commented on an unsigned letter that he received and stated that if residents have something to say they are welcome to come to the Listening Post to talk to the Trustees. He thanked Bob Mellor and the staff for working with insurance carriers to get the best rates for the Village. Mayor Saverino noted that the last vehicle in the 4th of July Parade was the street sweeper and within minutes, except for the signs, no one would know that had been a parade. He thanked the staff and all of the "red shirts", volunteers for making this a success.

At 9:40 p.m. Trustee Fenner moved and Trustee McCarthy made the second to move to Executive Session to discuss Acquisition of Real Property and Probable/Imminent Litigation and to adjourn directly from that session without taking any action. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

21st day of July, 2008.

Beth Melody

Village Clerk