

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

August 18, 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, 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 and Deputy Village Clerk Wynne Progar

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

MINUTES:

Trustee McCarthy moved and Trustee Drager made the second to approve the Minutes of the Meeting of August 4, 2008 as presented. The results of the roll call voter were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser and Fenner

Nays: 0

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS

2007-2008 Illinois Traffic Safety Challenge Awards:

Police Chief Rick Willing said that the Department made a collective effort in winning 1st Place, tying with Quincy, IL, for Police Departments with 51 to 100 members for the Impaired Driver Award. Chief Willing recognized Office Julie Johnson and Officer John Jungers for their job in assembling the application for this competition.

Proclamation: Declaring every May 1st – National Silver Star Families of America Day:

Trustee Drager read the proclamation declaring every May 1st as National Silver Star Families of America day.

PUBLIC HEARING:

Pre-annexation Agreement for the Benjamin School Property:

Request from Benjamin School District #25 to enter into a pre-annexation agreement to allow connection to the Carol Stream water system.

Trustee Fenner moved and Trustee McCarthy made the second to open the public hearing. The results of the roll call voter were:

Ayes: 6 Trustees Drager, Weiss, Schwarze, McCarthy, Gieser and Fenner

Nays: 0

There were no comments or questions from those in attendance at the call for public hearing and there were no comments or questions from the Trustees. Trustee Fenner moved and Trustee McCarthy made the second to close the public hearing.

PUBLIC HEARING:

Annexation Agreement and Annexation of the Value Place Hotel Property:

Request from VP Ventures for approval of an annexation agreement and annexation of the 4.8 acre property on the south side of North Avenue, west of Gary Avenue, for an extended-stay hotel and commercial development.

Trustee Schwarze moved and Trustee Fenner made the second to open the public hearing. The results of the roll call voter were:

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

At this point Robert Parsons from Value Place presented elevation drawings of the hotel and the retail buildings. Attorney Diamond said that the principal issues that were addressed at the last meeting were the design of the facilities, which has been worked on and the other two things were provisions in the annexation agreement to pin down the level of management that would be devoted to the facility. A minimum weekly price so that there would not be an opportunity to drop below what some of the Board members were looking for as a level to indicate the kind of service that could be provided for that price and the other thing that the Board was concerned about was in terms of provisions relating to the shopping center portion of the development. The language was put into the annexation agreement, which will provide for a deposit at the time the plan are approved and in effect the Village would get a guaranteed sales tax revenue for a period of at least three years, subject to a reduction of the amount if there was actual sales tax generated from the property. Mr. Diamond said that this is something that hasn't been done before and it is an important concession by the owners. He said that those are the principal provisions in the annexation agreement that address with the Board asked for.

Trustee Weiss questioned whether the sentence in Mr. Glees memo of August 14th "if the commercial building is not built or leased by March 31, 2013 the developer is under no further obligation" does this relate to the deposit of sales tax to an escrow account. Mr. Diamond said that this really indicates that there needs to be a date by which the money needs to be deposited. Staff has suggested June, 2009 as a date for the deposit and then the provisions of the agreement that beginning April 1, 2010 and continuing to March 31, 2013, that money would be available to be drawn down at the rate of \$4,167.00 per month. The language referred to means that after March 31, 2013 the sales tax will be whatever it is. In response to the question by Trustee Weiss regarding the possible transfer of ownership by Value Place, Mr. Diamond noted that the annexation agreement and all of its conditions goes with the property for the term of 20 years which will protect the Village for the use of the property.

Trustee Schwarze asked if VP will build the hotel and then lease it to someone else and Mr. Parsons replied that they will have an agreement with an operating service company that will operate the hotel under the requirement that they will meet every requirement of the agreement.

Trustee Gieser asked if they still have a restaurant ready to take part of the retail space as was stated at an earlier meeting and was told yes, and in answer to the question was

said that they would want 3,000 square feet. Trustee Gieser then asked Bob Glees, Community Development Director, about a staff recommendation given for this development that said in a multi-tenant shopping plaza building shall not be permitted to have more than 1,200 square feet for food service. There is a conflict right there. Mr. Glees said that the size of the building and its nature as a shopping plaza carries a certain parking requirement and that parking requirement assumes that there would be 10% food service, so the parking provided under this preliminary PUD plan is based on that size of building with 10% food service usage, which is therefore 1200 square feet. If the developer were to bring in a larger food service use, he would have to provide more parking. Mr. Parsons said that there has been a parking plan developed which includes a cross access parking plan with the adjacent property owner that would allow 60 more parking spaces. There was discussion regarding the new hotel/motel tax that would remove the "permanent resident" from any hotel stay and the change that makes the tax an equal playing field for all hotels. Trustee Gieser said that he commends VP for the training of their management and agreeing to inspections at any time.

Trustee Fenner commented that she has been impressed with the cooperation and agreement with design changes and management training. She said that the only hesitance she has is with the name which is too close to Value City but she does recognize that they have done a lot with toning down the impact of the sign.

Trustee McCarthy commented that hiring a management group is just another layer for things to go wrong.

Trustee Drager said that the design of the buildings is nice. He said that the questions that he had have been asked and he feels that there have been a lot of incomplete answers.

Mayor Saverino said that he commends the escrow donation.

There were no comments or questions from those in attendance at the call for public hearing.

Trustee McCarthy moved and Trustee Schwarze made the second to close the public hearing. The results of the roll call voter were:

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

Trustee McCarthy introduced Parth Dalal, Usman Zafar and Joseph Welcome asking the Board to appoint them as new members of the Youth Council and moving to adopt **Resolution 2361**. Trustee Fenner made the second. The results of the roll call vote were:

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

Trustee McCarthy also introduced the rest of the Council, Matt Tucek, Nikki Cyrier, Ben Crosby, Gianna Consalvo, Samantha Augustyn, Laura Westerholm and Zaeem Zafar.

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 voter were:

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

Trustee Fenner moved and trustee Weiss made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call voter were:

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

1. No action required: Sign Code Variations – Windsor Park Manor
2. No Action taken: Sign Code Variations – Wendy's
3. No Action taken: Code Amendments - Utility Structures
4. Waiver of Bids, Award of Contract – Pond Shoreline/Wet land Maintenance – LaFayette Home Nursery
5. Award of Contract- TranSystems Corp.-Phase III Fullerton Ave. LAPP
6. Ord. 2008-08-43: Zoning Code Variance/lot coverage-178 Carriage Lane
7. Ord. 2008-08-44: Authorize Execution-Annex. Agree.-Benjamin School
8. Resolution 2362: Declaring surplus property – VMR equipment – Police
9. Raffle License/Fee waiver: Parents and Teens Together, Inc.
10. Regular Bills, Addendum Warrant of Bills, Treasurer's Report

Trustee McCarthy 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: 7 Mayor Saverino, Trustees Drager, Weiss, Schwarze, McCarthy, Gieser and Fenner
Nays: 0

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

Waiver of Bids, Award of Contract – Pond Shoreline/Wet land Maintenance – LaFayette Home Nursery:

The Board concurred with the recommendation of the Engineering staff that the bid process be waived for the Pond Shoreline and Wetland Maintenance of May 2008 through April 2009 and the contract be awarded to La Fayette Home Nursery in the amount of \$27,660.00.

Award of Contract- TranSystems Corp.-Phase III Fullerton Ave. LAPP:

The Board concurred with the recommendation of the Engineering staff that the Phase III Construction consultant contract be awarded to TranSystems Corporation for \$19,604.30.

Ord. 2008-08-43: Zoning Code Variance/lot coverage-178 Carriage Lane:

The Board adopted Ordinance 2008-08-43, AN ORDINANCE GRANTING A LOT COVERAGE VARIATION – (178 CARRIAGE LANE).

Ord. 2008-08-44: Authorize Execution-Annex. Agree.-Benjamin School:

The Board adopted Ordinance 2008-08-44, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT – (BENJAMIN SCHOOL – 28W300 ST. CHARLES ROAD).

Resolution 2362: Declaring surplus property – VMR equipment – Police:
The Board adopted Resolution 2362, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM – (VMR EQUIPMENT).

Raffle License/Fee waiver: Parents and Teens Together, Inc.:
The Board approved a Raffle License and waiver of the fee for Parents and Teens Together, Inc. for the JP Fun Run.

Regular Bills, Addendum Warrant of Bills, Treasurer's Report:
The Board approved the payment of the Regular Bills in the amount of \$799,280.09.
The Board approved the payment of the Addendum Warrant of Bills in the amount of \$736,551.24.
The Board accepted the Treasurer's Report for the month ending July 31, 2008.

REGULAR MEETING:

Trustee Fenner moved and Trustee Weiss made the second to adopt Ordinance 2008-08-44, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT – (200 W. NORTH AVENUE). The results of the roll call vote were:

Ayes:	5	Trustees Weiss, Schwarze, Gieser, Fenner and Mayor Saverino
Nays:	2	Trustees Drager and McCarthy

Trustee Fenner moved and Trustee Weiss made the second to approve the following ordinances;
Ordinance 2008-08-46, AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS – (200 W. NORTH AVENUE).

Ordinance 2008-08-47, AN ORDINANCE ZONING NEWLY ANNEXED PROPERTY – (200 W. NORTH AVENUE).

Ordinance 2008-08-48, AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN AND SPECIAL USES FOR A SHOPPING PLAZA AND DRIVE-UP SERVICE WINDOW AND HOTEL – (200 W. NORTH AVENUE).

The results of the roll call vote were:

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

Trustee Fenner commented to Robert Parsons and VP group that they won her vote, now win her appreciation by doing a good project.

REPORT OF OFFICERS:

Trustee Drager congratulated the new Youth Council members and thanked Trustee McCarthy for all of the work he does keeping the Youth involved the community. He noted that Thursday evening is the Multi-Cultural event and invited the residents to

attend. He reminded every one to do their part in keeping the community clean and as always, pray for our troops. He also congratulated the Police Department on their award.

Trustee McCarthy congratulated Kenneth "Duke" Wagner on earning his Eagle Scout Award, and noted that he, Trustee Drager and Mayor Saverino attended the ceremony and were very impressed. He thanked FIC America for the golf outing and the dinner. He welcomed to the community Bel Gustos and Vangelo's. He also welcomed the new members of Youth Council and said that he looks forward to working with them. Trustee McCarthy said that the Youth Council will be helping at the JP Fun Run on August 31st at Armstrong Park.

Trustee Weiss congratulated the Police Department for winning the Traffic Safety award. He also noted that the Police are getting ready for the next Citizen Police Academy in September and urged residents to sign up.

Trustee Schwarze reminded everyone of the Battle of the Badges Blood Drive and urged people to sign up to donate. As always he asked everyone to Shop Carol Stream.

Trustee Gieser reminded everyone that schools are opening and to be careful at school zones. He said that he also attended the FIC America event and as usual it was great. Trustee Gieser mentioned the Multi-Cultural event as well as the Friday night movie, Shrek and invited all residents to submit a logo celebrating the 50th anniversary of the Village.

Village Manager Breinig thanked Superintendent Earhardt of Benjamin District 25 and the Board to thank them for their cooperation in the process of the preannexation. This was intergovernmental cooperation at its finest. There are still a couple of parcels that need completion to have things go forward.

Attorney Diamond thanked the Board for their consideration on the annexation and for bringing many important matters that were incorporated into the agreement.

Mayor Saverino agreed with Attorney Diamond saying that this is a free thinking Board who voice their opinions for the betterment of the whole process. He reiterated the events at the Town Center, Multi-Cultural event, and the Shrek movie. Mayor Saverino acknowledged the extra work that Community Development Director Bob Glees is doing since the Planner position is vacant. He acknowledged the good job that Public Works is doing on the curb replacement. Mayor Saverino thanked Bob Mellor for seamlessly taking over as Acting Village Manager.

At 9:18 p.m. Trustee Fenner moved and Trustee Gieser made the second to adjourn. The results of the roll call vote were:

Ayes:	7	Mayor Saverino, Trustees Drager, Weiss, Schwarze, McCarthy, Gieser and Fenner
Nays:	0	

FOR THE BOARD OF TRUSTEES

Minutes approved by the President and Board of Trustees on this

15th day of September 2008.

Beth Melody
Village Clerk