

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

March 19, 2007

Mayor Ross Ferraro called the Regular Meeting of the Board of Trustees to order at 8:00 PM and directed Village Clerk Janice Koester to call the roll.

Present: Mayor Ferraro, Trustees McCarthy, Gieser, Saverino and Fenner
Absent: Trustees Stubbs and Shanahan
Also Present: Village Manager Breinig, Assistant Village Manager Mellor, Attorney Diamond, Village Clerk Koester, Deputy Clerk Progar and Treasurer Manzzullo

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

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Mayor Ferraro read Resolution 2254, A RESOLUTION CONGRATULATING INDIVIDUAL STATE GYMNASTICS CHAMP MARISSA BOSCO and presented it to her. Trustee Fenner moved and Trustee McCarthy made the second to adopt the Resolution and the results of the roll call vote were:

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Fenner
Nays: 0
Absent: 2 Trustees Stubbs and Shanahan

Congratulatory Resolutions for Wrestling Champs Tony Ramos and Bryan O'Connor were to be put on the Consent Agenda.

CONSENT AGENDA:

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

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Fenner
Nays: 0
Absent: 2 Trustees Stubbs and Shanahan

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

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Fenner
Nays: 0
Absent: 2 Trustees Stubbs and Shanahan

1. Resolution 2252: Congratulate Tony Ramos-Individual Wrestling Champ
2. Resolution 2253: Congratulate Bryan O'Connor-Individual Wrestling Champ
3. Spec. Use -Drive-up window, Final PUD Plan - CVS- Gary/Lies-Ord. 2007-03-06
4. Spec. Use- Gov't.Use-Vary Zoning Code-Park Dist. Kuhn/North-Ord., 2007-03-07
5. Vary Zoning Code-135 N. Gary- NAPA - Ord. 2007-030-08
6. Vary Zoning Code-485 E. Lies Rd. - FIC - Ord. 2007-03-09
7. DuPage Senior Citizens Council Funding Assistance Request

8. Pre-Approval to purchase Police Squad Cars
9. Amend Code- Ch.4 – Police residency req.-& qualifications-Ord. 2007-03-10
10. Resolution 2255- Declare Surplus Property-electronic equipment
11. Raffle/fee waiver- CS Rotary – Chili Open
12. Approve Reciprocal Reporting Agreements-Police/ U-46, Dist. 25
13. Amplification Permit Variance – Summer in the Center Entertainment
14. FOP Contract Ratification
15. Regular Bills, Addendum Warrant of Bills, Treasurer's Report 2/28/07

Trustee McCarthy moved and Trustee Saverino 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:	4	Trustees McCarthy, Gieser, Saverino and Fenner
Nays:	0	
Absent:	2	Trustees Stubbs and Shanahan

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

Spec. Use –Drive-up window, Final PUD Plan – CVS- Gary/Lies-Ord. 2007-03-06:

At their meeting on March 12, 2007, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a Final Plan for a Planned Unit Development and approval of a Special Use Permit for Drive-up Window Service in accordance with staff recommendations including the addition of pedestrian cross walk to the dumpster and adding a bicycle rack. The Board concurred with the recommendation and adopted Ordinance 200-03-06, AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT PLAN AND A SPECIAL USE FOR DRIVE-UP SERVICE WINDOW – (SE CORNER OF GARY AVENUE & LIES ROAD).

Spec. Use- Gov't. Use-Vary Zoning Code-Park Dist. Kuhn/North-Ord., 2007-03-07:

At their meeting on March 12, 2007, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a special use permit for governmental use and a variation of outdoor operations in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2007-03-07, AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A GOVERNMENTAL USE AND A VARIATION FOR OUTDOOR OPERATIONS – (CAROL STREAM PARK DISTRICT, WEST SIDE OF KUHN ROAD, NORTH OF NORTH AVENUE).

Vary Zoning Code-135 N. Gary- NAPA – Ord. 2007-030-08:

At their meeting on March 12, 2007, the Combined Plan Commission/Zoning Board of Appeals recommended approval of zoning variation setbacks in accordance with the conditions noted in the staff report. The Board concurred with the recommendation and adopted Ordinance 2007-03-08, AN ORDINANCE GRANTING A REAR YARD SETBACK VARIATION AND A PAVEMENT SETBACK VARIATION – (135 N. GARY AVENUE).

Vary Zoning Code-485 E. Lies Rd. – FIC – Ord. 2007-03-09:

At their meeting on March 12, 2007, the Combined Plan Commission/Zoning Board of Appeals motion to recommend approval of the Zoning Variations, subject to the conditions contained in the staff report failed by a vote of 3 to 3. The Board (with four voting Trustees) overturned the failed motion and adopted Ordinance 2007-03-09, AN ORDINANCE GRANTING VARIATIONS

FROM SECTION 16-13-2(G) FOR PARKING SPACE LANDBANKING – (FIC AMERICA CORPORATION – 485 E. LIES ROAD).

DuPage Senior Citizens Council Funding Assistance Request:

The Board approved a request by DuPage Senior Citizens Council for funding assistance in the amount of the Budget approved amount of \$8,410.

Pre-Approval to purchase Police Squad Cars:

The Board gave approval for the purchase of six patrol vehicles for a total cost of \$123,528.00 under the State of Illinois bid purchase plan. The vehicles will not be billed or delivered until after May 1, 2007.

Amend Code- Ch. 4 – Police residency req.-& qualifications-Ord. 2007-03-10:

The Board adopted Ordinance 2007-03-10, AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 1, SECTION 5 OF THE VILLAGE CODE, POLICE DEPARTMENT QUALIFICATIONS AND RESIDENCY REQUIREMENTS.

Resolution 2255- Declare Surplus Property-electronic equipment:

The Board adopted Resolution 2255, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. – (ELECTRONIC EQUIPMENT).

Raffle/fee waiver- CS Rotary – Chili Open:

The Board approved a raffle license with a fee waiver to the Carol Stream Rotary Club for their annual Chili Golf Open to be held on May 11, 2007.

Approve Reciprocal Reporting Agreements-Police/ U-46, Dist. 25:

The Board approved Reciprocal Reporting Agreement with School District #25 and U-46. These agreements memorialize the sharing of information and cooperation between school and police officials allowed under applicable state statutes.

Amplification Permit Variance – Summer in the Center Entertainment:

The Board approved a variance to the amplification ordinance to permit music to be played at the Ross Ferraro Town Center until 11:00 PM for the Summer in the Center Schedule of Entertainment.

FOP Contract Ratification:

The Board approved the FOP Contract contingent upon the receipt of the signed contract from the union.

Regular Bills, Addendum Warrant of Bills, Treasurer's Report 2/28/07:

The Board approved the payment of the Regular Bills in the amount of \$418,723.34.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$641,074.98.

The Board received the Treasurer's Report for Month Ending February 28, 2007.

The Village Treasurer commented on the contents of the reports and said that he was available for questions.

REGULAR MEETING:

Text Amendments- Subdivision Code & Zoning Code –Driveways & Service walks:

At their meeting on March 12, 2007, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the text amendments as presented by Staff.

Trustee Gieser asked if Community Development Director Bob Glees would explain these amendments. Mr. Glees said that in the process of preparing this year's street project, the Engineering Staff communicated some concerns with respect to some driveways in the street project area for which they were uncertain as to how to deal with the driveways and how the Code applies to those driveways. That led to staff deciding that it would be beneficial to make some clarifications to the Code, clean it up and make some simplifications. There are four categories, one is to move the requirement for driveways from the Subdivision Code into the Zoning Code so that any driveway variation which requires approval by the Plan Commission are placed with all the other Zoning regulations that require a Plan Commission hearing. Any variation to the Subdivision and Engineering items that do not require a Plan Commission hearing, are presented directly to the Board. This is a housekeeping item. Another is to make the text clearer with respect to exactly what are the allowable widths for driveways of various garage types. A third clarification was with respect to how the Code deals with non-conformities, what is required when a non-conformity driveway is encountered and under what conditions it may remain as is and under what conditions it must be brought into conformance and then finally the last amendment deals with service walks located adjacent to driveways. Right now there is a restriction that a service walk needs to be physically separated from the driveway by one foot. That has caused some problems in processing permits for those things and trying to determine what is allowable to construct. Frankly, it is simpler for people when they want to have a service walk so they can get out of the car next to their driveway, it is nice for the service walk to be right next to the driveway. Staff does see very much reason for it to have to be separated, so they have removed that restriction.

Trustee Gieser asked how this benefits the residents, Mr. Glees said that it makes it simpler for staff to do the design work for the annual street project, and how to deal with non-conforming driveways and secondly, it makes it simpler for staff to process requests for building permits to construct service walks to be placed next to driveways. It allows a little better benefit to the residents. Mr. Knudsen said that the big plus is that presently service walks are considered a part of the driveway and now they are not. Trustee Fenner commented that this is a good thing. Trustee Saverino asked if there is a non-conforming driveway will the resident have to go to the Plan Commission to resolve the matter and Mr. Glees said that staff will first look to see how the non-conformance happened, as it could be that it may have been in conformance with the Codes at one time and it now is not or it may have been constructed without a proper building permit, in which case it would have to be brought into conformance. Staff will work with residents to do what is best to eliminate non-conformities. Mr. Knudsen said that when Engineering has a road project and driveways or aprons are not automatically removed. They have to be removed if a curb has to be replaced and it would damage a driveway apron, it would have to be removed and put back into conformance. The responsibility is still on the property owner to make sure the driveway aprons are in conformance. Mr. Breinig said that this does not give carte blanche for someone to put six feet of concrete adjacent to the driveway and call it a service walk. It was noted that a service walk can be no wider than four feet wide on both sides of the driveway.

Trustee Saverino moved and Trustee Fenner made the second to adopt Ordinance 2007-03-11, AN ORDINANCE AMEND CHAPTER 7 AND CHAPTER 16 OF THE MUNICIPAL CODE OF THE VILLAGE OF CAROL STREAM - (ZONING AND SUBDIVISION CODES- DRIVEWAYS & SERVICE WALKS). The results of the roll call vote were:

Ayes:	4	Trustees McCarthy, Gieser, Saverino and Fenner
Nays:	0	
Absent:	2	Trustees Stubbs and Shanahan

REPORT OF OFFICERS:

Mayor Ferraro commented that in regard to the election, he cannot help but comment on a statement by one of the candidates regarding the accessibility of Mayor over the past 20 years. He said that if there is anyone that could be more accessible than he has been he would like to see how. He also wondered what was so bad about the last 20 years that would require a "fresh start", and just what would be different.

Mayor Ferraro said that he and Trustees McCarthy and Gieser went to a National League of Cities Conference in Washington DC.

Trustee McCarthy said that he is on the Public Safety, Crime Prevention Steering Committee and they are working on the FEMA reorganization and a number of other things. He said that with the nicer weather kids will be out on bicycles and playing with sports equipment and he urged drivers to be more careful and watchful for them.

Mayor Ferraro thanked Trustee Fenner for acting as Mayor Pro-Tem and doing a wonderful job. Trustee Fenner said that it has come to her attention that a resident of Carol Stream, teacher named Nicolette Augustin was recently honored with a Golden Apple Award. This award is given to only 100 teachers in the State and Trustee Fenner suggested that the Board should formerly congratulate Ms. Augustin at a future meeting.

Trustee Gieser said that he is on the Information Technology and Communications Committee of the NLC and they are working on having more availability of videos services in the communities.

Mr. Breinig stated that the Police Department has been working on a recognition program through the Commission of Accreditation for Law Enforcement Agencies (COLEA). This weekend, Chief Willing and Sgt. Hunter were in North Carolina undergoing testing by the panel and the Department was ultimately approved. The next step is to move to full accreditation.

At 8:35 pm, Trustee Fenner moved and Trustee McCarthy made the second to move to Executive Session to discuss Compensation for Specific Employees and Collective Negotiating Matters and to adjourn directly from that Session without taking any further action. The results of the roll call vote were:

Ayes:	4	Trustees McCarthy, Gieser, Saverino and Fenner
Nays:	0	
Absent:	2	Trustees Stubbs and Shanahan

FOR THE BOARD OF TRUSTEES