

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

January 17, 2006

Mayor Pro-Tem Thomas Shanahan called the Regular Meeting of the Mayor and Board of Trustees to order at 8:00 PM and directed Deputy Village Clerk Wynne Progar to call the roll.

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

Mayor Pro-Tem Shanahan led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Saverino made the second to approve the Minutes of the Meeting of December 19, 2005 as presented. The results of the roll call vote were:

Ayes: 5 Trustees McCarthy, Gieser, Saverino, Stubbs and Shanahan
Nays: 0
Abstain: 1 Trustee Fenner
Absent: 0

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Police Chief Willing presented a check for \$3,547 from the residents of the Village who donated through their water billing to the Christmas Sharing Fund.
Luanne Triolo and Darryl Malcolm presented a check for \$756.37 from the CS Chamber of Commerce to the Christmas Sharing Fund.

CONSENT AGENDA:

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

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

Trustee Stubbs 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 McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

1. Rezone I to B-3, Spec. Use sales lot-106 Schmale- Ord. 2006-01-01
2. Rezone R-1 to I, Vary expansion to non-conform. & setbacks Ord. 2006-01-02
3. Off the table: Appeal to decision of PC-Gary Ave. Master Plan-
4. Off the table: Parking Commerce Drive
5. Acceptance & final payment-2005 Joint/Crackfilling Contract
6. Advice of Change Order – Lies Rd. Decorative Lighting
7. Request: Purchase of replacement police car

8. R. 2166: Approve waiver/provisions-charter customer DP Water Commission
9. R. 2167: Object to request for variations-25W032 Geneva Rd. DPC ZBA
10. R. 2168: Maint. Of Streets- MFT
11. Received: Report on progress of Storm Water Advisory Committee
12. Received: Land donation-Maplewood Estates Detention Pond
13. Regular Bills, Addendum Warrant of Bills, Treasurer's Report 12/31/05

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

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

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

REZONE I TO B-3, SPEC. USE SALES LOT-106 SCHMALE- ORD. 2006-01-01:

At their meeting on January 19, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of rezoning the property at 106 N. Schmale Road from I to B-3, to recommend approval of a special use for an open sales lot ancillary to a permitted use and approve a variation to the fence code, all in accordance with conditions noted in the staff report. The Board concurred with the recommendation and adopted Ordinance 2006-01-01, AN ORDINANCE REZONING PROPERTY FROM I INDUSTRIAL TO B-3 SERVICE DISTRICT AND APPROVING A SPECIAL USE FOR AN OPEN SALES LOT – (AUTO SHOWCASE, 106 N. SCHMALE ROAD).

REZONE R-1 TO I- INDUSTRIAL, VARY EXPANSION TO NON-CONFORM. & SETBACKS - ORD. 2006-01-02:

At their meeting on January 19, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of rezoning the property at 361 E. St. Charles Road from R-1 to I-Industrial; approval of expansion of a nonconforming structure and variances to parking setback and rear yard setback in accordance with the amended conditions noted in the staff report. The Board concurred with the recommendation and adopted Ordinance 2006-01-02, AN ORDINANCE REZONING PROPERTY FROM R-1 ONE FAMILY RESIDENCE TO I INDUSTRIAL DISTRICT AND APPROVING VARIATIONS TO THE ZONING CODE – (381 E. ST. CHARLES ROAD).

ACCEPTANCE & FINAL PAYMENT-2005 JOINT/CRACKFILLING CONTRACT:

The Board gave final acceptance of the 2005 Crackfilling Project and approved final payment in the amount of \$3,000 to SKC Construction, Inc.

ADVICE OF CHANGE ORDER – LIES RD. DECORATIVE LIGHTING:

The Board approved a change order in the amount of \$10,627.50 to be Elmund & Nelson Co. through Town & Country Homes to add receptacles to poles for the Lies Rd. decorative lighting.

REQUEST: PURCHASE OF REPLACEMENT POLICE CAR:

The Board waived formal bidding and approved the purchase of a replacement squad under Illinois State bid from Landmark Ford, Springfield, IL in the amount of \$19,846.00.

R. 2166: APPROVE WAIVER/PROVISIONS-CHARTER CUSTOMER DP WATER COMMISSION:

The Board adopted Resolution # 2166, A RESOLUTION APPROVING A WAIVER OF CERTAIN PROVISIONS OF THE CHARTER CUSTOMER CONTRACT WITH THE DUPAGE WATER COMMISSION.

R. 2167: OBJECT TO REQUEST FOR VARIATIONS-25W032 GENEVA RD. DPC ZBA:

The Board adopted Resolution # 2167, A RESOLUTION OF OBJECTION TO A REQUEST FOR APPROVAL OF VARIATIONS FOR THE PROPERTY LOCATED AT 25W032 GENEVA ROAD – (DUPAGE COUNTY ZBA CASE NO. 5177-05).

R. 2168: Maintenance Of Streets- MFT:

The Board adopted Resolution # 2168, A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE.

REGULAR BILLS, ADDENDUM WARRANT OF BILLS, TREASURER'S REPORT 12/31/05:

The Board approved the payment of the Regular Bills for the period ending December 29, 2005 in the amount of \$171,697.18.

The Board approved the payment of the Regular Bills for the period ending January 13, 2006 in the amount of \$224,690.91.

The Board approved the payment of the Addendum Warrant of Bills for the period ending January 3, 2006 in the amount of \$608,951.22.

The Board approved the payment of the Addendum Warrant of Bills for the period ending January 16, 2006 in the amount of \$790,302.51.

The Board received the Treasurer's Report for the month ending December 31, 2005.

REGULAR MEETING:

Special Use-Planned Unit Development for shopping plaza, bank & outdoor seating, Preliminary PUD plan; SE Corner Gary & Lies – Parkview Development:

Matthew Friend, Attorney for Parkview Development appeared before the Board. Trustee Stubbs commented that this is a very important parcel and said that this cannot look like just any strip mall or ordinary. In regard to the location for the bank it was noted that they do not have a specific bank, but the location would be in the inline building. It was stated that banks draw business to the adjacent businesses and it would be appropriate in size to the proportion of retail business. The site plan was reviewed and it was determined that the parking field was designed in the front of the property to provide a nice view of the retailers. There will be a national retailer on the corner and it was stated that pedestrian traffic would cross at the corner and would use the designed walkways through the parking lots and the retail sites. There is a pedestrian route.

Trustee Saverino said that the Village has a huge investment in the Town Center and he said that he is not impressed with the proposed development. After a colored elevation drawing was presented and it was described as meeting the intent of the annexation agreement which required certain amenities, Trustee Saverino stated that this all has changed his opinion.

Trustee Fenner asked if there were some way to break up the concentration of the inline stores using a change in the façade. It was said that they can work on this for the final plan and noted that the landscaping provided will be far beyond the requirements and Trustee Fenner replied that landscaping is wonderful, but buildings stay forever.

Trustee Saverino commented that he does not of a bank in town that does not have a drive-thru window and he feels that if there is to be a bank it should be put on either end or there should not be a bank at all. He reiterated that the Village is looking to maximize the sales tax revenue from all commercial developments.

There was discussion regarding breaking up the facades of the building so that visually there is variety.

Mr. Diamond suggested that the minutes should reflect that the Board's approval of this preliminary plan does not anticipate that the developer would come back with the exact same plan as presented at this meeting for the final plan.

Trustee Gieser moved and Trustee McCarthy made the second to approve Ordinance No. 2006-01-03, AN ORDINANCE APPROVING SPECIAL USES FOR A PLANNED UNIT DEVELOPMENT (PUD), SHOPPING PLAZA, OUTDOOR SEATING AND BANK AND A PRELIMINARY PUD PLAN APPROVAL – (SE CORNER OF GARY AVENUE & LIES ROAD).

The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Stubbs, Fenner & Shanahan
Nays:	1	Trustee Saverino

REQUEST FOR DUKE CONSTRUCTION TO APPEAL DECISION OF THE PLAN COMMISSION DENYING DUKE'S PROPOSED GARY AVENUE MASTER PLAN FOR PROPERTY AT 121-131 E. NORTH AVENUE:

Mr. Breinig stated that Duke Construction has requested that this matter be deferred to the next Board meeting.

PARKING – COMMERCE DRIVE:

Trustee Saverino asked what would be achieved by just putting up No Parking signs and Mr. Breinig said that while it might be a subtle distinction, it is a distinction that is recognized by the Courts, there is a difference between parking, standing and stopping. So to prohibit everything, the sign would be NO Stopping, Standing or Parking. An example would be that a company could stage trucks on the street for brief periods, but there could not be an unattended vehicle over night, or even unattended during the day. Time limit parking would be unduly burdensome due to lack of personnel for enforcement. Ron Kloeckner appeared before the Board to thank them for their attention to help with their truck parking problems. Trustee Saverino moved and Trustee Stubbs made the second to approve posting no parking signs on Commerce Drive.

INDUSTRIAL REVENUE BOND REFUNDING: MAAC Machinery Co., Inc.:

Request to refinance \$2,050,000 in Industrial Revenue Bonds issued for MAAC Machinery Co., 590 Tower Boulevard.

Mr. Diamond explained that over the years the Village has approved the issuance of Industrial Revenue Bonds. Such bonds can help businesses and in general the Village is not responsible for the debt and allows companies to establish or expand by getting a loan at a tax-exempt interest rate because the Village is the issuer of the bonds. The Village is interested in the security for the bonds because if the Village has a defaulting revenue bond, it is not something that is not wanted on the record as it could possible affect credit ratings. The history has been that the Village has been very pro-commercial and in the past the Village has not made a charge for the issuance of revenue bonds other than to be paid for out of pocket expenses. Many other communities do make a charge and this is becoming more prevalent. This is a situation where a company has an existing Industrial Revenue Bond which is backed by a letter of credit and wants to change its banking arrangements.

This company has the ability to call the existing bonds in and substitute money from another lender. In this case the other lender is a bank, and the only difference is that the bank is not going to issue a letter of credit, which was the security for the last bond issue. Instead they are going to take a mortgage on the property. Mr. Diamond explained that in the early days, the Village would have owned the property, the company transferring title to the Village, subject to a mortgage. They have now figured out a way to do that without the Village having to take the risk of actually owning the piece of property. The company came to the Village and said that they would like to do this. The documents have been reviewed and it has been suggested that they be changed so that these bonds could not be generally sold, because they will have less security than the original bonds that were backed by a letter of credit. They apparently agreed that the bank that was loaning the money would not transfer these bonds without the approval of the Village. After completing a survey of other municipalities, it was determined that almost all of those communities are making a charge for Industrial Revenue Bonds. The Village Manager proposed that this matter be discussed and they said that they wanted to have this matter brought to the Village Board at this meeting, but then asked that this be delayed until the next meeting. Mr. Diamond said that the Board has not had many IRB s recently, so he said that the refunding and re-issuing is a new matter. He noted that he is not aware that this will increase their number of employees and he asked the Board if this is the direction they wish to proceed in the matter of making a charge for Industrial Revenue Bonds. It was noted that charges made by others has varied between ½ % up to 2% of the total, depending on market conditions and the Village Manager would negotiate for a fee in that range if it is the will of the Board.

Mr. Breinig said that he has talked with the lender this week. The lender had contacted the Village in November and at that time was advised that the Village had up to this time imposed a fee. There was no further contact until about a week ago and then there was a flurry of documents being sent back and forth and in studying them the question of the Village fee was brought forth. They are contending that there is some hardship if the Village intends to charge a fee, but we replied that their legal counsel contemplated a fee, because there is a section with blanks indicating a one- time fee to be paid to the Village. In talking to the lender, they indicated that in other deals that they have done fees have been pretty common, although they tried to distinguish a fee for an initial deal from a re-financing, but we responded that in this case the client didn't pay the fee initially, escaping it, and all the Village is seeking is that fee on the re-financing. From the Village perspective it is a negotiable thing and we are trying to work with them and they would like to bring this matter back at the next Board meeting.

Trustee Stubbs concurred that the Village should charge a fee since these businesses are leveraging the economic standing of the Village in order to get a better interest rate.

Trustee McCarthy moved and Trustee Gieser made the second to table this matter to the next meeting. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

FUNDING ASSISTANCE REQUEST – DUPAGE SENIOR CITIZEN COUNCIL:

Trustee Stubbs agreed that the Village should hold the line in regard to what has been budgeted for this assistance.

Mr. Breinig said that there is an increase in the demand, but there is a case where the request started in at a low entry and they have steadily increased the request for fees. The point is for the Village to expand in this area, funds would be taken away from other things. It has been shown that this request is made from a number of taxing bodies and townships that provide

services to seniors pay comparably little and communities pay significantly more. The concern is that the more that is contributed the more the request will grow.

Trustee Stubbs commented that at one point there was an appointed Commission that investigated such requests and recommended issues to the Board and since that does not exist he suggested that some minimal amount of increase should be done each year for these requests at a level of 5%. Mr. Breinig asked how would other requests be handled.

Trustee Saverino commented that these requests have escalated despite the fact that they did not get the increase in the previous years and the Village is just not financially able to dole money out even for worthy causes and he suggested that they be given the same amount as last year if that is what has been earmarked. Trustee Saverino noted that this community is what it is because of senior citizens and we should not forget that, but there are budget constrictions and the Village should give what has been budgeted for.

Trustee Fenner said that initially this request was exactly for the balance of the funds that had been budgeted to assist not for profit groups in the Village. She asked what is in the account now and what is the distribution of the funds. Mr. Breinig said that a big portion was used to make a contribution to the Carol Stream Arts. It was determined that there is generally \$11,000 allocated for assistance to qualifying groups in the Village. Donations have been made to the Martin Luther King fund, National Night Out and Carol Stream Arts. Trustee Fenner asked if this request was included in the budgeting process and was told that it was at the same level as the previous year.

Trustee McCarthy agreed that this is a good service, but that the contribution should remain at the same level.

Trustee Fenner commented that the amount of the contribution is double the amount that was donated in 1999.

Trustee Fenner moved and Trustee Saverino made the second to provide \$8,408, the amount budgeted, to the DuPage Senior Citizen Council. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

REQUEST FROM DUPAGE AUTO BATH AT 27W230 TO EXTEND THE DEADLINE FOR TERMINATION OF USE OF THE ON-SITE WELL, UNDER THE TERMS OF THE 1995 PRE-ANNEXATION AGREEMENT:

Trustee Saverino said that he agrees to extend the use of the on-site well for DuPage Auto Bath, 27W230 for a term of five years.

Trustee Saverino moved and Trustee Gieser made the second to extend the agreement for a term of five years. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

REPORT OF OFFICERS:

Trustee McCarthy thanked the Outreach Center, Wheaton Christian Center, Lutheran Church of the Master for the Martin Luther King program. It was fantastic and well attended and he hopes that it will continue to grow. Happy New Year to everyone.

Trustee Gieser concurred about the MLK program, Happy New Year to everyone and stated that we have a lot to be thankful for for living in the Village of Carol Stream and hopes that everyone will make an effort to keep this a safe and friendly village. He reminded everyone of the Citizen of the Year dinner on February 4th.

Trustee Stubbs agreed that more people should get involved with the Village. He also commended Staff for their roll in the Stormwater Management program.

Trustee Saverino echoed the comments made by Trustee Gieser, he wished everyone a Happy and Healthy New Year. He noted that some residents have problems with the new recycling totes but urged everyone to take some time to find a place to store them and that they will find that it will be much easier to recycle more items.

Trustee Fenner thanked all of the residents that made contributions for the Christmas Sharing program as well as the Chamber of Commerce. She also wished everyone a Happy New Year. Trustee Shanahan reminded everyone that the Village Board has the responsibility of doing things that are in the interest of all of the residents in the Village, not just for select groups. He thanked everyone for getting involved with Christmas sharing and wished everyone a Happy New Year.

Mr. Breinig reminded the Board the February 20th is Presidents Day and the Municipal Center is closed, so normally, the Board meeting would be delayed until Tuesday, the 21st, however, the Springfield Drive-down with DuPage Mayors and Managers is Tuesday and Wednesday and four members of the Board have committed to attend. Therefore, staff is suggesting that the Board cancel the meeting of February 20, 2006 entirely.

Trustee McCarthy moved and Trustee Stubbs made the second to cancel the Regular Meeting of the Village Board on February 20, 2006. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

At 9:15 p.m. Trustee Fenner moved and Trustee Saverino made the second to moved to Executive Session to discuss Collective Negotiation Matters and Performance of a Specific Employee, noting that the Board will not be reviewing the release of Executive Session Minutes. There will be no action taken following that session. The results of the roll call vote were:

Ayes: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner & Shanahan
Nays: 0

FOR THE BOARD OF TRUSTEES