

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

February 6, 2006

Mayor Pro-Tem Pamela Fenner called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Deputy Village Clerk Wynne Progar to call the roll.

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

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

**MINUTES:**

Trustee Gieser moved and Trustee McCarthy made the second to approve the Minutes of the Meeting of January 17, 2006 as presented. The results of the roll call vote were:

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

**AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:**

**Presentation: Rotary International Student Exchange:**

Jim Bailey from the Carol Stream Rotary Club introduced the International Exchange Student to the Board, Julia Topinoja from Hameenlinna, Finland. Mayor Pro-Tem Fenner welcomed Julia to the Village and they exchanged keepsakes. Mr. Bailey also introduced Tim Pedrick who is assigned to Germany and Jeff Knutson who is assigned to Sweden. Mayor Pro-Tem Fenner congratulated them and gave them keepsakes from the Village to share with their hosts.

Mr. Diamond said that there should be a motion to select Trustee Fenner as the Mayor Pro-Tem for this meeting. Trustee McCarthy moved and Trustee Stubbs made the second to appoint Trustee Pamela Fenner as Mayor Pro-Tem for this meeting. The results of the roll call vote were:

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

**PUBLIC HEARING:**

**Amendment to the Pre-annexation Agreement with DuPage Auto Bath at 27W230 North Avenue to Extend the Deadline for Termination of Use of the Onsite Well:**

Trustee Gieser moved and Trustee Stubbs made the second to open the public hearing on this matter. The results of the roll call vote were:

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

Mr. Diamond said that this is an amendment to an annexation agreement with DuPage Auto Bath. Under the existing annexation agreement, they had ten years in which to connect to Village water and terminate the use of the on-site well. They had requested an additional five years and the proposed amendment continues the Annexation Agreement entirely in effect under its prior terms but it extends for the period of five years the time for the discontinuation of the use of the well, and all of the same provisions are contained in the document relating to the way in which the well would have to be capped at the end of that period of time. This was brought before the Board informally previously and the Board indicated that it would not have any difficulty, however, while we can hold the public hearing tonight, but we can't act on this amendment to the annexation agreement because an amendment to an annexation agreement requires five votes. Therefore the public hearing can be opened and concluded at this meeting, but this will need to appear on the next agenda where it is hoped there will be five voting members in attendance.

Scott Stuble of DuPage Auto Bath appeared before the Board to answer any questions. There were no comments or questions from those in attendance at the call for public hearing. Trustee McCarthy moved and Trustee Stubbs made the second to close the public hearing. The results of the roll call vote were:

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

**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, Stubbs and Fenner  
Nays: 0  
Absent: 2 Trustees Saverino and Shanahan

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

- 1. Final Plat of Re-Subdivision – 400 Fullerton Ave. –Resolution 2168
- 2. Put on table to April 3, 2006-Duke Appeal of Gary Ave. Master Plan
- 3. Amendments to Bldg. Residential, Fire Codes –Ord. 2006-02-05
- 4. Award of contract: Health Insurance Coverage Review
- 5. Letter of Credit Reduction #2- Fountains at Town Center
- 6. Request to apply for membership –DuPage River/Salt Creek Workgroup
- 7. Pre-Approval to Purchase Police Squad cars
- 8. Town Center & Historic Farmhouse use policy, procedures, forms & rates-2006
- 9. Ord. 2006-02-04: Amend Code-bldg. Construction-Maint. Code- land imp. Fees
- 10. Table to 3/6 meeting: Ord. Amending annex agree. – DuPage Auto Bath

11. R. 2167: Amending R. 2161- Creating a Youth Council- increase member to 10
12. R. 2169: Declare Surplus Property- 10 used firearms
13. R. 2170: Adopt Statement of goals, direction & guidance for Village govt. decisions
14. Request from CS Chamber of Commerce for Raffle License
15. Regular Bills, Addendum Warrant of Bills

**COMMENTS:**

On G-1, Trustee Stubbs said they seem to be an effort to improve and strengthen safety, some the fees have changed, some went up, some went down, on some the related expenses in this, what was the major driver for some of these. Bob Glee, Community Development Director said that in 2004 the set of International Codes were adopted as well as the 2003 ICC Codes with local amendments which went into effect in June of 2004. For the last year and a half, we've been collecting comments or situations where we needed to make some clarifications to the Codes also there are a couple of things where technology has come along, for example, that would allow fire detection and alarm systems to transmit information wirelessly to DUCOMM, so we need to enable our Codes to allow that sort of technology.

On H-4, Trustee McCarthy commented that he is asking for the amount of people on it to change from 5 to between 5 and 10. I'm expecting at the next meeting to have for your approval, 2 additions to our Youth Council from Driscoll. We are still looking for interested students from U-46 and West Chicago since we are trying to find students from all corners of Carol Stream. Trustee Gieser asked what would happen if the membership fell below the 5, Trustee McCarthy said that there would not be a quorum to do anything, and Mr. Breinig said that, it can't...If it falls below 5 for a period of time, staff would probably recommend disbanding it.

On H-7, Mr. Diamond stated that the resolution adopting the statement of goals, direction and guidance is on the Consent Agenda and he suggested that in Section 2, it talks about these policies shall guide the future policy and governance, and the words "shall be used in guiding" because we are bound by statute. All were in agreement.

On H-6, Trustee Gieser asked Police Chief Willing what happens with these weapons. Chief Willing said that when bid are secured for the purchase of replacement hand guns, as a part of the bid process, they have to offer us a trade-in value for the weapons that are being disposed of. That trade-in is calculated into the total dollar amount for the purchase of the new weapons. Trustee Gieser asked if they are destroyed after being traded in and Chief Willing said that he thinks they do a resale of them, but it is through a licensed, regulated firearms dealer .

On G-1, Mr. Breinig noted that an Ordinance was attached to that item, but through an oversight it was not listed under Ordinance and Resolutions, he asked that the Board would act on the Ordinance at this meeting. All agreed to add this to the Consent Agenda and was given the Number 2006-02-05.

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

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

**Final Plat of Re-Subdivision – 400 Fullerton Ave. –Resolution 2168:**

At their meeting on January 23, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request for a final plat of re-subdivision for the Glenbard Graphics Subdivision. The Board concurred with the recommendation and adopted Resolution 2168, A RESOLUTION APPROVING A FINAL PLAT OF RESUBDIVISION- ( 400 FULLERTON AVENUE).

**Amendments to Bldg. Residential, Fire Codes –Ord. 2006-02-05:**

The Board adopted Ordinance 2006-02-05, AN ORDINANCE AMENDING CHAPTER 6 AND CHAPTER 15 OF THE CAROL STREAM CODE OF ORDINANCES.

**Award of contract: Health Insurance Coverage Review:**

The Board awarded a contract to Segal Company to perform a review of the Village's health insurance coverages for a fee not to exceed \$26,000.

**Letter of Credit Reduction #2- Fountains at Town Center:**

Town & Country Homes has submitted reduction request # 2 for Fountains at Town Center. All the work as shown on the reduction request has been completed per the approved plans and Village specifications. The Board approved a letter of credit reduction in the amount of \$579,079.88. The remaining balance of security is \$137,200.05.

**Request to apply for membership –DuPage River/Salt Creek Workgroup:**

The Board approved the request for membership in the DuPage River/Salt Creek Workgroup (DRSCW). The first year dues (March 2005 through February 2006) are \$9,726.00. The dues for the second year (March 2006 through February 2007) will be \$9,726.00.

**Pre-Approval to Purchase Police Squad cars:**

The Board gave their pre-approval to purchase two FORD Crown Victoria Police Interceptor patrol vehicles under the State of Illinois bid from Landmark Ford, Springfield, IL. The vehicles will not be delivered prior to May 1, 2006 and the total cost is \$39,592.00.

**Town Center & Historic Farmhouse use policy, procedures, forms & rates-2006:**

The Board received the draft proposal for Town Center & Historic Farmhouse Rental Use Fees and Protocols.

**Ord. 2006-02-04: Amend Code-bldg. Construction-Maint. Code- land imp. Fees:**

The Board adopted Ordinance 2006-02-04, AN ORDINANCE AMENDING THE BUILDING CONSTRUCTION AND MAINTENANCE CODE, SECTION 6-13-9 ENGINEERING & REVIEW FEES AND THE SUBDIVISION CODE, SECTION 7-2-5 PLANS & SPECIFICATIONS AND REVIEW FEES FOR LAND IMPROVEMENT.

**R. 2167: Amending R. 2161- Creating a Youth Council- increase member to 10:**

The Board adopted R. 2167, A RESOLUTION AMENDING RESOLUTION No 2161, CREATING A LOCAL YOUTH COUNCIL.

**R. 2169: Declare Surplus Property- 10 used firearms:**

The Board adopted Resolution No. 2169, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM.

**R. 2170: Adopt Statement of goals, direction & guidance for Village govt. decisions:**

The Board adopted R. 2170, A RESOLUTION ADOPTING STATEMENTS OF GOALS, DIRECTION AND GUIDANCE FOR THE VILLAGE GOVERNMENT DECISIONS. The addition of the words "shall be use in guiding" to replace "shall guide" in Section 2 of the Resolution.

**Request from CS Chamber of Commerce for Raffle License:**

The Board approved the request from the Carol Stream Chamber of Commerce for a raffle license and waived the fees.

**Regular Bills, Addendum Warrant of Bills:**

The Board approved the payment of the Regular Bills in the amount of \$1,116,858.48.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$603,231.30.

**REGULAR MEETING:**

**Special Use Permit – PUD, Preliminary/Final PUD Plan, Special Use Permits- Shopping Plaza, Drive-up window, outdoor seating – 600 E. North Avenue-Integrity Development:**

At their meeting on January 23, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a special use for a Planned Unit Development, A PUD preliminary/final plan, and special uses for shopping plaza, outdoor seating, ancillary to a coffee shop use and drive-up window service in accordance with the recommendation of staff, adding to the recommendation to the Village Board that the PC encourages that additional tenants be sales tax generating businesses.

Trustee Stubbs asked for an illustration of the drive thru that is envisioned for the Starbucks. Chip Belchenko, Real Estate Manager for Starbucks appeared before the Board. He provided elevation drawings showing the Starbucks location on the proposed development. He noted that the drive-thru window is located on the west side of the building and therefore traffic can circulate and come back down to North Avenue or come back and exit onto Schmale Road. In response to the question he stated that there is stacking for nine cars. Trustee Fenner asked the number of parking spaces on the east side of the building and was told that there are eleven parking stalls. Trustee Gieser asked if the drive-thru stacking is standard for other free standing Starbucks and Mr. Belchenko said that the drive thru standards and drive thru manual calls for 6 to 8 car stack, so this is above and beyond what are standards call for. Trustee McCarthy asked if the parking spaces to the west of the retail building will be opened up into the shopping center behind it? He said that there is a cross access to that property. Trustee Fenner asked how many shops were anticipated in the adjacent retail building and was told there will be 4 to 6 tenants.

Trustee Stubbs moved and Trustee McCarthy made the second to concur with the recommendation of the Combined Board and adopt Ordinance No. 2006-02-06, AN ORDINANCE APPROVING SPECIAL USES FOR A PLANNED UNIT DEVELOPMENT (PUD), SHOPPING PLAZA, OUTDOOR SEATING AND DRIVE UP WINDOW SERVICE AND PRELIMINARY/FINAL PUD PLAN APPROVAL – (SE CORNER OF NORTH AVENUE & SCHMALE ROAD). The results of the roll call vote were:

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

**REPORT OF OFFICERS:**

Trustee Fenner congratulated the 2005 Citizens of the Year, Deborah Nuccio, Matthew Stanio, Wanda Franz, James Ortinau and Renee Vennero and Suzanne Hlotke. Trustee McCarthy congratulated all of the nominees as well as the winners. Trustee Stubbs concurred with the others.

Trustee Gieser also agreed. He asked Mr. Breinig how things were proceeding with the entertainment plans for the summer.

Mr. Breinig said that there has been a meeting with Mr. Onesti to go over the lineup and a run thru of the 4-day event. Our concerts will be similar to what has been in the past, a pretty good variety of entertainment, local bands, nothing national or even regional. The 4-day event will have on Thursday night, the two bands being contemplated are Maggie Speaks and the Fabulous James, they play more recent music and hits of the 90's. Friday is more like a 60's feel, American English would be the headline act, Beggar's Banquet, a Rolling Stones tribute band, would play as well as the New Invaders'. On Saturday would be a Fleetwood Mac tribute band, Chuck Negron from Three Dog Night would perform as a kind of headliner and a band called Arra, that plays classic rock would fill out that bill. On Sunday, he is suggesting something different, there is an ABBA tribute band that is supposed to draw a fairly good crowd as well as looking at either a disco or funk band, music from the 70's and 80's, more dance oriented. Mr. Breinig said that this is still somewhat in flux, because he hasn't booked the bands. Right now, based on ballpark estimates, this is about \$8,000 more than was spent last year, but that is before he has negotiated their prices. It will be brought into line because we can't let it grow that much. Trustee Stubbs asked if that would be subject to Board approval and Mr. Breinig said that that would be impossible to do. This is more like running the concept past the Board. By the time Board approval could be assured, bands would come and bands would go, these are situations where a band has an open date, and two weeks later, when it could come before the Board, that date could be taken. These venues are not going to wait for two weeks to get a commitment.

Trustee Gieser said that in hearing these proposals, he is a little disappointed in Onesti. It hasn't been completely booked, but for \$8,000 more, he would think that there would be more of a variety of national acts coming thru, or be available. Maybe we can't afford it, and that should be said by the provider.

Mr. Breinig said that his take on this is that the money we budget for this event is not a tremendous amount for a four-day event for entertainment. The money surely goes farther with the cover bands and the local acts than it does with the retail acts or the national acts. Trustee Gieser said that his concern is with Chuck Negron, I'm sure he is a good performer, but if that's all we've been given, he is very disappointed. Mr. Breinig said that this is not all that we have been given, but the problem is entertainers like Cheap Trick was \$40,000 to \$50,000, Jim Blossom is around \$15,000 so if a cover band that will play many more recognizable numbers that a one or two hit wonder for the same or less money. Mr. Breinig noted that some the surrounding communities that are getting national names have started charging for admission. We have tried to stay away from that and have family entertainment available. Trustee Gieser said that he was led to believe that we were going to have some great choices. Trustee Fenner said that maybe we have to talk to Mr. Onesti and Mr. Breinig said that he can try to have him at the next meeting, but that is a month away and suggested that he get an explanation of what he has encountered and what we have gotten and why and then get it to the Board through the mail and any questions and/or comments can be resolved. Mr. Breinig noted that there was some pressure to sign American English because they have offers for the same date as the 4-day event. Trustee Gieser said that on that matter we should allow him to act, and Mr. Breinig said that he will pursue getting an explanation for the Board as to why what you thought was going to happen didn't happen. What market conditions changed, what factors came into to play that led to this. Trustee McCarthy said that he is not impressed with the line up what so ever. He commented that the Village as a whole is too young for Three Dog Night, and we

need to get a little more current, even it is the solid cover bands that are available. Mr. Breinig said that the challenge in this, and the balance that we always try to strike, and work hard at, is to try to find something that there is something for everybody. It's never skewed too far to the oldies, or to far such a young demographic that people who are older don't get disconnected from the event. He said that if it is the direction the Board wants to take, the \$13,000 for the Three Dog Night can be taken and used to find some good cover bands. Mr. Breinig asked if the Board would consider Tribute bands as opposed to cover bands, and explained that cover bands typically play everybody's song of a certain style, like classic rock. A tribute band narrows in on a band. It was agreed to move away from Chuck Negron. Trustee McCarthy said that the only demographic that we keep skipping is a Country band. Mr. Breinig said that that is being worked on for a Thursday night.

At 8:45 p.m. Trustee Stubbs moved and Trustee McCarthy made the second to adjourn. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES