

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

September 5, 2006

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

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

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

MINUTES:

Trustee McCarthy moved and Trustee Stubbs made the second to approve the Minutes of the Meeting of August 21, 2006 as presented. The results of the roll call vote were:

- Ayes: 4 Trustees McCarthy, Gieser, Saverino & Stubbs
- Nays: 0
- Abstain: 1 Trustee Shanahan
- Absent: 1 Trustee Fenner

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

PUBLIC HEARING: WHEATON BIBLE CHURCH: PRE-ANNEXATION AGREEMENT

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

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

Mr. Breinig confirmed that the Statute required public notice for this hearing was published in the Daily Herald.

Tracy Kasson, representing Wheaton Bible Church said that they are seeking to connect to the sewer and water system and in order to do that must agree to a pre-annexation agreement even though the property is not yet contiguous to the Village at this time. The agreement would provide what would happen when the property would become contiguous. At that time they are seeking rezoning to B-4 together with the conditional use for a Regional Religious Institution at the time of contiguity. The proposed special use in the annexation agreement would mirror what was approved by the County for their special use in 2000. He said that at some time in the future there would be one parking deck, not exceed 88,2000 sf and that since the hearing at the Plan Commission, several things have been removed from their application, such as removing a proposed second parking deck, and an outdoor stage or amphitheater. The plan has been revised to mirror what was approved in the County. They have agreed to do several things in addition to what is required by the County such as dedicate an additional ten feet along

Morton Road (about ¼ acre) to the Village upon annexation since right now there is a 30 ft. dedicated right of way from the center line of Morton Road to the edge of pavement. They have also agreed, after annexation, to add curb, gutter, street lighting and storm sewer along Morton Road. Lastly, they will grant public easements to the Village (after annexation) along Morton Road and an easement that would meander through the property and ultimately connect to McCaslin Park.

At the call for public hearing, Laura Gebetz 27W537 Timber Lane asked if the zoning upon annexation is the same as the County gave the property and Mr. Breinig said that the R-4 zoning is consistent with the Regional Church zoning similar to what was granted to Wheaton Christian Center and it only affects this particular property after annexation.

In response to the question by Trustee Stubbs it was stated that Christianity Today is out of picture in the development of this property and that traffic matters will be the responsibility of the DuPage County Sheriff Department.

Trustee Shanahan commented that any development of this property has always been dependent upon water and sewer provided by the Village. He gave a brief history of proposed uses for this property and commented that this will probably never be contiguous to the Village.

Trustee McCarthy commented that the Church should remember that residents in the area are their neighbors and that they were there first and he encouraged that treat them respectfully.

Trustee Shanahan asked if they will put a traffic light on North Avenue and Morton Road and was told that when traffic warrants are met, it would be in their best interest to have a traffic light.

Trustee Stubbs moved and Trustee Saverino made the second to close the public hearing. The results of the roll call vote were:

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

CONSENT AGENDA:

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

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

1. Rezone – R-1 to I-Industrial-211-231 E. St. Charles Rd. – **Ord. 2006-09-42**
2. Spec. Use – Auto Service Station-211 E. St. Charles Rd. **Ord. 2006-09-43**
3. Spec. Use – Auto Service Station-215-219 E. St. Chas. Rd. – **Ord. 2006-09-44**
4. Spec. Use – Garages/parking for vehicles not incidental to permitted use & equip. and machinery rentals – 227 E. St. Charles Rd. – **Ord. 2006-09-45**
5. Spec. Use – Garages & parking lot not incidental to permitted use-229 E. St. Chas. Rd. – **Ord. 2006-09-46**
6. Spec. Use – Contractor’s Office & shops–231 E. St. Chas. Rd. –**Ord. 2006-09-47**
7. Spec. Use–Outdoor Activities/Operations–211-231 E.St. Chas.–**Ord. 2006-09-48**
8. **Ord. 2006-09-49** – Amend. Chap. 16 – Zoning Code- Text Amend – WCC
9. **Ord. 2006-09-50** – Grant amend. to Spec, Use- elementary school & Furn. Sales
10. Final acceptance & payout- 2005/06 pavement rejuvenator project
11. Accept land donation of 1.03 acre wetland-Lot 2 Elk Trail Resubdivision

12. Approve Telecommunications Service Provider- PRIME Circuits- for new phones
13. **Ord. 2006-09-51:** Rezone R-1 to B-4 (upon annexation) NWC Morton & North
14. **Ord. 2006-09-52:** Authorize Execution of (Pre) Annexation Agreement-WBC
15. **Res. 2201:** Declare Surplus Prop. Owned by Village-gauge/security box
16. **Res. 2202:** Accept grant of public utility easement
17. **Res. 2203:** Approve final plat of subdivision- Easton Park
18. Regular Bills, Addendum Warrant of bills

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

Rezone – R-1 to I-Industrial-211-231 E. St. Charles Rd. – Ord. 2006-09-42:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to rezone 211 to 231 E. St. Charles Road from R-1 to I-Industrial in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2006-09-42, AN ORDINANCE REZONING PROPERTY FROM R—1 ONE FAMILY RESIDENCE DISTRICT TO I INDUSTRIAL DISTRICT (211-231 E. ST. CHARLES ROAD).

Spec. Use – Auto Service Station-211 E. St. Charles Rd. Ord. 2006-09-43:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for an Auto Service Station (211 E. St. Charles Road) in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2006-09-43, AN ORDINANCE GRANTING A SPECIAL USE FOR AN AUTO SERVICE STATION (211 E. ST. CHARLES ROAD).

Spec. Use – Auto Service Station-215-219 E. St. Chas. Rd. – Ord. 2006-09-44:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for an Auto Service Station (215-219 E. St. Charles Road) in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2006-09-43, AN ORDINANCE GRANTING A SPECIAL USE FOR AN AUTO SERVICE STATION (215-219 E. ST. CHARLES ROAD).

Spec. Use – Garages/parking for vehicles not incidental to permitted use & equip. and machinery rentals – 227 E. St. Charles Rd. – Ord. 2006-09-45:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for Garages and Parking Lots for Motor Vehicles Not Incidental to a Permitted Use and For Equipment and Machinery Rental Operations (227 E. St. Charles Road). The Board concurred with the recommendation and adopted Ordinance 2006-09-45, AN ORDINANCE GRANTING A SPECIAL USE FOR GARAGES AND PARKING LOTS FOR MOTOR VEHICLES NOT INCIDENTAL TO A PERMITTED USE AND FOR EQUIPMENT AND MACHINERY RENTAL OPERATIONS (227 E. ST. CHARLES ROAD).

Spec. Use – Garages & parking lot not incidental to permitted use-229 E. St. Chas. Rd. – Ord. 2006-09-46:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for Garages and Parking Lots for Motor Vehicles Not Incidental to a Permitted Use (229 E. St. Charles Road). The Board concurred with the recommendation and adopted Ordinance 2006-09-46, AN ORDINANCE

GRANTING A SPECIAL USE FOR GARAGES AND PARKING LOTS FOR MOTOR VEHICLES NOT INCIDENTAL TO A PERMITTED USE (229 E. ST. CHARLES ROAD).

Spec. Use – Contractor’s Office & shops–231 E. St. Chas. Rd. – Ord. 2006-09-47:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for a contractor’s office and shops (231 E. St. Charles Road). The Board concurred with the recommendation and adopted Ordinance 2006-09-47, AN ORDINANCE GRANTING A SPECIAL USE FOR A CONTRACTOR’S OFFICE AND SHOPS (231 E. ST. CHARLES ROAD).

Spec. Use–Outdoor Activities/Operations–211-231 E.St. Chas.– Ord. 2006-09-48:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to grant a Special Use for Outdoor Activities and Operations (211-231 E. St. Charles Road). The Board concurred with the recommendation and adopted Ordinance 2006-09-48, AN ORDINANCE GRANTING A SPECIAL USE FOR OUTDOOR ACTIVITIES AND OPERATIONS (211-231 E. ST. CHARLES ROAD).

Ord. 2006-09-49 – Amend. Chap. 16 – Zoning Code- Text Amend – WCC:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to Amend Chapter 16 of the Municipal Code (Zoning Code – full time school & retail sale of furniture) . The Board concurred with the recommendation and adopted Ordinance 2006-09-49, AN ORDINANCE AMENDING CHAPTER 16 OF THE MUNICIPAL CODE OF THE VILLAGE OF CAROL STREAM (ZONING CODE).

Ord. 2006-09-50 – Grant amend. to Spec, Use- elementary school & furniture Sales:

At their meeting on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the request to amend a special use for a full time school and retail sale of furniture for fund raising purposes at 610 E. North Avenue. The Board concurred with the recommendation and adopted Ordinance 2006-09-50, AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE – (WHEATON CHRISTIAN CENTER, 610 E. NORTH AVENUE).

Final acceptance & payout- 2005/06 pavement rejuvenator project:

The Board gave final acceptance of the 2005/06 Asphalt Surface Treatment Project and approved the final payment of \$42,218.40 to Midwest Tar Sealer Co.

Accept land donation of 1.03 acre wetland-Lot 2 Elk Trail Resubdivision:

The Board formally accepted a land donation of 1.03 acres of wetland, commonly known as Lot 2, Elk Trail Subdivision from First Bank of the Americas.

Approve Telecommunications Service Provider- PRIME Circuits- for new phones:

The Board awarded a contract to Call One Focal/Broadwing for a 36-month contract for total net charges of \$1,170/month.

Ord. 2006-09-51: Rezone R-1 to B-4 (upon annexation) NWC Morton & North:

The Board adopted Ordinance 2006-09-51, AN ORDINANCE GRANTING A REZONING FROM R-1 TO B-4, A SPECIAL USE PERMIT FOR A REGIONAL RELIGIOUS INSTITUTION, VARIATIONS FROM THE ZONING CODE AND SUBDIVISION CODE, AND NORTH AVENUE CORRIDOR REVIEW APPROVAL, ALL UPON ANNEXATION, TO THE WHEATON BIBLE CHURCH (NORTHWEST CORNER OF NORTH AVENUE AND MORTON ROAD).

Ord. 2006-09-52: Authorize Execution of (Pre) Annexation Agreement-WBC:

The Board adopted Ordinance 2006-09-52, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT – (WHEATON BIBLE CHURCH).

Res. 2201: Declare Surplus Prop. Owned by Village-gauge/security box:

The Board adopted Resolution 2201, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. (Surface moisture density gauge & container).

Res. 2202: Accept grant of public utility easement:

The Board adopted Resolution 2202, A RESOLUTION ACCEPTING A GRANT OF PUBLIC UTILITY EASEMENT – (WHEATON BIBLE CHURCH).

Res. 2203: Approve final plat of subdivision- Easton Park:

The Board adopted Resolution 2203, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION – (EASTON PARK).

Regular Bills, Addendum Warrant of bills:

The Board approved the payment of the Regular Bills in the amount of \$139,293.18.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$640,639.22.

COMMENTS:

Mr. Breinig commented that in regard to the Wheaton Bible Church, that approval should be subject to the Village Attorney's review and approval and the Village Engineer's Approval, both of which are a part of the recommendation, but should be included in the Minutes of the meeting to emphasize these requirements before finalization.

Mr. Breinig noted that a Wheaton Christian Center representative was intended to be at this meeting and apparently has been taken ill. He stated that there is a recommendation from the Plan Commission that the exterior improvements should be made within the period of one year. They are asking, with the concurrence of the Village Board, of course, that it be changed to a two year period of time. They have indicated that they do not have a problem with bringing the exterior in compliance, but asking for a two year period instead of one year.

Trustee McCarthy said that they have been there for quite a while and have had the opportunity to fix it. He said that he could be willing to meet them in the middle.

Mr. Breinig said that the ordinance did not give a finite time for the improvements to be done and they are indicating that they want to get it done in two years, (and commented that he is not negotiating on their behalf). Trustee McCarthy said that he would like to see it done in 18 months. Mr. Breinig said that he does not know how realistic that is, if they have to do fund-raising, and he said that we could do 18 months with the understanding that they may come back and ask to have it amended, The problem with tabling it, is that the school started today, and technically they would be in violation.

Mr. Kling asked if the one year period of time for completion is in the proposed ordinance and was told that it is one of the conditions. Mr. Breinig noted that since this proposed ordinance has not yet been approved on the Consent Agenda at this point, he is being a messenger of a request to change the time period of completion to two years.

Mayor Ferraro commented that he does not feel that one more year will make that much difference.

Trustee Stubbs asked if there have been any plans submitted for these improvements and was told that this condition was added to request for the school and furniture sales at the Plan Commission so they had no reason to have presented a design plan at that time.

Trustee Saverino commented that this condition to complete the exterior is tied in with allowing the school and if something would change at this meeting then they should not have opened the school. Mr. Breinig commented that this less than a safety concern more than it is having them honor their original commitment to redo the parking lot and addressing the exterior concerns that they agreed to in the original special use. This really wasn't raised as a safety concern, it is much more about esthetics, you've got an old big box retail store that is now a church, that has a big parking lot and that admittedly could be made smaller, and reconfigured to look more like a church campus.

Trustee Saverino said that this is a problem on North Avenue. He said that the commitment was a church, then it was a used furniture store and now it is a school, what's next? At least commit to something and make the outside look nice which has not been done in the five years that they have been there. This Board has put everybody else in the position to honor the North Avenue Corridor and now they want two more years.

Trustee Stubbs suggested that they should have to present at least a plan for the work within one year. Mr. Breinig said that the Board could amend the condition to allow one year for a plan to be approved and then the second year to have the work completed. This would show progress being made and their commitment going forward.

The consensus of the Mayor and the Board is to approve the special use with the condition that the WCC will provide an approved plan for the exterior improvements within one year and that those approved improvements will be completed within two years.

Trustee Shanahan 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 Gieser, Saverino, Stubbs & Shanahan
Nays:	1	Trustee McCarthy
Absent:	1	Trustee Fenner

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

Ayes:	4	Trustees Gieser, Saverino, Stubbs & Shanahan
Nays:	1	Trustee McCarthy
Absent:	1	Trustee Fenner

REPORT OF OFFICERS:

Trustee McCarthy thanked residents and staff for the great programs this summer at the Town Center.

Trustee Saverino agreed and noted that the Multi-Cultural Event will be held on September 9th.

Trustee Gieser stated that the Village has been recognized by the IL Arts Council with a large grant to help fund some of the events at Town Center and he thanked staff for all of their hard work. He also noted that 9/16 the Historical Society will host a Market Day event at the Farm House from 11 –3. WDSRA will have a benefit at Outback Steak House.

Trustee Stubbs said that he hoped to see everyone at the Multi-Cultural event on Saturday.

Trustee Shanahan that the Town Center has had a great summer and that he is sorry to the public, to the staff and to the Board that he has missed so many meetings. He said that he has been injured and has had a couple of surgeries and if anybody cares, he is doing fine now.

Trustee Shanahan commented that he has been meeting with the IL Business and Restaurant Association in regard to the DuPage County Board's Chairman setting up a committee to study

making all restaurants, bars and public places non-smoking. He said that politicians should never legislate personality, they are there to discuss issues, not to decide people's personalities. He noted the restrictions for cell phone use, seat belt use, smoking in Chicago and said that just because a law does not apply to you, doesn't mean it is a great law.

Mayor Ferraro commented on the new lights on Lies Road.

Village Clerk Koester thanked staff for the survey on pay for elected officials and said that she will respond in writing.

Village Treasurer Manzullo said that the Daily Herald has a list of unclaimed property that is valued at \$100 or more and urged residents to check for anything property that might be due them.

At 8:40 p.m., Trustee McCarthy moved and Trustee Shanahan made the second to adjourn. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES