

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

August 1, 2005

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

Present: Mayor Ferraro, Trustees McCarthy, Gieser, Saverino, Stubbs,
Fenner and Shanahan
Absent: Assistant Village Manager Mellor
Also Present: Village Manager Breinig, Attorney Diamond, 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 July 5, 2005 as presented. The results of the roll call vote were:

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

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 and
Shanahan
Nays: 0
Absent: 0

Trustee Stubbs 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: 6 Trustees McCarthy, Gieser, Saverino, Stubbs, Fenner and
Shanahan
Nays: 0
Absent: 0

Trustee Shanahan initially voted nay to put the items on the Consent Agenda, but following an explanation by Attorney Diamond that individual items, such as the bond ordinance, will have to be voted on separately since the vote is not unanimous to put all items on the Consent Agenda for this meeting. Trustee Shanahan subsequently changed his vote to allow all of the items to be put on the Consent Agenda. His vote can stand on the omnibus vote.

1. Fisher Farm/Lakewood Homes, Inc. – preliminary plat to PC-no action required

2. McCollister's – Spec. Use – outdoor activities-no action required.
3. Letter of Credit Reduction #4-Jason Court Subdivision
4. WRC Proposals
5. Fountains @ Town Center Inspections-Letter of Agreement
6. Ord. 2005-08-42: Amend Chap. 11 – Inc. Class F 6 to 7
7. Ord. 2005-08-43: IRB Bonds- Geneva Crossing
8. R. 2141: Declare Surplus Property- Police
9. R. 2142: Support Mayor's efforts- Sister City/Italy
10. R. 2143: Authorize execution of agree. – VofCS-Elburn – firing range
11. Waive amplification permit fee – Outreach Community Center
12. Grant & waive all fees- Raffle License- Firefighters Assoc.
13. Regular Bills 7/14/05 and 7/28/05
14. Addendum Warrant of Bills 7/6-7/18/05 & 7/19-8/1/05
15. Treasurer's Report- month end June 30, 2005

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

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

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

Letter of Credit Reduction #4-Jason Court Subdivision:

The Board approved Letter of Credit Reduction # 4 by the Patrick Group for the Jason Court Subdivision. All the work shown on the reduction has been completed per the approved plans and Village specification. The amount of the reduction is \$100,001.00 and the balance of the security is \$253,331.17.

WRC Proposals:

The Board approved the proposal of Director of Public Works AL Turner to award a five-year operating contract for the Thomas R. Vinson Water Reclamation Center to OMI, Inc. contingent upon OMI and the Village reaching agreement upon final contract language being worked out.

Fountains @ Town Center Inspections-Letter of Agreement:

The Board approved a letter of agreement between Town and Country Homes and the Village of Carol Stream in regard to have a consultant perform building inspections at the Fountains at Town Center residential properties at the expense of Town and Country Homes.

Ord. 2005-08-42: Amend Chap. 11 – Inc. Class F 6 to 7:

The Board adopted Ordinance 2005-08-42, AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 2 OF THE CAROL STREAM CODE OF ORDINANCES BY INCREASING THE NUMBER OF CLASS F LIQUOR LICENSES FROM 6 TO 7 – (ROCCOVINO'S RESTAURANTE & PIZZARIA, 904 ARMY TRAIL ROAD).

Ord. 2005-08-43: IRB Bonds- Geneva Crossing:

The Board adopted Ordinance 2005-08-43, AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,500,000 SENIOR LIEN TAX INCREMENT REVENUE REFUNDING BONDS (GENEVA CROSSING PROJECT), SERIES 2005, OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, AUTHORIZING THE EXECUTION OF A BOND ORDER AND AN ESCROW AGREEMENT IN CONNECTION THEREWITH, AND PROVIDING FOR THE ALLOCATION OF CERTAIN TAX REVENUES OF SAID VILLAGE.

R. 2141: Declare Surplus Property- Police:

The Board adopted Resolution 2141, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM.-POLICE – Breathalyzer

R. 2142: Support Mayor's efforts- Sister City/Italy:

The Board adopted Resolution 2142, A RESOLUTION SUPPORTING MAYOR FERRARO'S EFFORTS TO LOCATE A SISTER CITY IN ITALY.

R. 2143: Authorize execution of agree. – VofCS-Elburn – firing range:

The Board adopted Resolution 2143, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF CAROL STREAM AND THE VILLAGE OF ELBURN. (FIREARMS RANGE TRAINING PROGRAM).

Waive amplification permit fee – Outreach Community Center:

The Board approved an amplification permit for the Outreach Community Center's National Night Out Against Crime and waived the associated fees for the permit.

Request by DMMC to participate in the creation of a Quiet Zone along the Chicago Central & Pacific (CC&P) railroad tracks:

Tabled to the next meeting

Grant & waive all fees- Raffle License- Firefighters Assoc:

The Board approved a Raffle License for the Carol Stream Professional Firefighters Association and waived all of the associated fees for the license.

Regular Bills 7/14/05 and 7/28/05:

The Board approved the payment of the Regular Bills for 7-14-2005 in the amount of \$628,540.56.

The Board approved the payment of the Regular Bills for 7-28-2005 in the amount of \$427,281.08.

Addendum Warrant of Bills 7/6-7/18/05 & 7/19-8/1/05:

The Board approved the payment of the Addendum Warrant of Bills for July 18, 2005 in the amount of \$469,871.96.

The Board approved the payment of the Addendum Warrant of Bills for August 1, 2005 in the amount of \$863,695.14.

Treasurer's Report- month end June 30, 2005:

The Board received the Treasurer's Report for month ending June 30, 2005.

COMMENTS:

Trustee Saverino, in regard to the Quiet Zone along the railroad tracks, asked who was doing the complaining and commented that about 8 years ago there was legislation passed that declared that it was unsafe to not have the trains whistle at crossings. He asked why should that be reversed now. Village Director of Engineering Services, Jim Knudsen responded saying that the regulation came about because several communities had passed ordinances banning blowing of the horns. Then the new Federal law said that trains had to blow their horns. It was found that at certain crossings where there were gates that came down and constant warning devices in place, that that was just as effective or better than actually the train blowing the horn. Therefore removal of horn blowing would not diminish the safety aspect. There have been numerous municipalities along that corridor that have complaints from residents about the sounding of the horns. The Fountains at Town Center development is going to be very close to the tracks and staff wanted the Board to have the opportunity to decide if this is a good idea for the Village to enter into this agreement with other communities. It was determined that the crossing at Gary & Stark is in the Village and the Army Trail crossing is in Bloomingdale. Mr. Knudsen commented that staff questions why there are several communities that were not included as requesting participation, that would benefit from a quiet zone and staff has asked DuPage Mayors and Managers Conference to respond. Trustee Saverino asked if participation would cost the Village anywhere from \$8,000 to \$86,000 to convert the crossing arms: Mr. Knudsen replied that the original estimates had a very wide range and it has been narrowed down to approximately \$100,000 per crossing. He noted that there are two crossings that do not have the constant warning devices, one is on Powis Rd. and on Gary Avenue. Mr. Knudsen said that if this is instituted the Village could most likely get STP (Surface Transportation Program) funding which would allow a 70/30 split of expenses which lowers the original estimate considerably since it would be 30% divided by the seven municipalities. In response to the question regarding fewer municipalities participating, Mr. Breinig said that this is an all or nothing agreement. If one municipality does not participate the entire agreement is dead. Trustee Shanahan commented that the train was here before the houses were built. Mr. Breinig asked if the Board does not do this now, can this reconsidered at a later date or is there a window of opportunity, Mr. Knudsen said that there is a window of opportunity for the funding. The Board can wait another meeting to see how the other communities have responded. Mayor Ferraro concurred that he would like the Board wait to see what other communities feel about it. Trustee McCarthy moved and Trustee Fenner made the second to continue this matter to the next meeting. The results of the roll call vote were:

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

REGULAR MEETING:

Amending Chapter 6 & 16, of the Municipal Code – Zoning and Sign Codes:

At their meeting on July 11, 2005, the Combined Plan Commission/Zoning Board of Appeals recommended approval of text amendments for the Sign Code and Zoning Code for air conditioning units in a corner side yard, changeable copy signs, deleting the restriction of 8 messages per cycle and adding restaurants as a permitted use.

Trustee Gieser asked for clarification of the intent to allow staff to approve applications to the satisfaction of the Community Development Director or his designee. Bob Glees, Community Development Director said that the intention of that language is to allow the staff to approve some things administratively on a resident's permit application that

would satisfy the general wishes that we perceive that the Board does not have a problem with having air conditioning units in a corner side yard, provided that the appearance is not compromised. That there is some nice screening, that it does not have a bad appearance from the street. The first attempt to codify "screening" wound up in a laborious exercise to try to lay out all of the kinds of standards that people would have to meet, and even then, it still seemed very difficult and cumbersome and there could be situations that were not envisioned. It seemed a lot simpler to say that the unit needs to be screened, everybody understands about putting up fence or some shrubs around it. It shouldn't be visible from the street and as long as they do that, it should be very easy to review their permit application and approve that administratively.

Trustee Gieser asked if this would be done prior to the review process, it wouldn't be at the discretion of an individual inspector. Mr. Glees said that that is correct, this would only be done as a part of reviewing a permit application, it would not be done to existing conditions that are out there today.

Trustee Shanahan asked what would happen if it is in the seven-foot side yard setback and/or in the easement and Mr. Glees said that there is language in the Code that says that it cannot project more than four feet into the side yard. He noted that the old language was for three feet and it has been increased to four feet since units are bigger. Trustee Shanahan said that he is concerned with what is being allowed and not allowed in side yard setbacks over the years.

Mr. Breinig noted that the direction from the Board was to make this work. He noted that one of the reasons for the Community Development Director's designee language is to make this as flexible as possible. Another thing that Bob didn't mention is that there are seven other sections of the Code that have this authority vested with the Community Development Director or designee.

Trustee Stubbs stated that this is only for new applications, not to enforce anything on existing units. Mr. Glees stated that it would apply for any resident that is replacing an existing unit.

Trustee Gieser moved and Trustee McCarthy made the second to adopt Ordinance 2005-08-44, AN ORDINANCE AMENDING CHAPTER 6 AND CHAPTER 16 OF THE CAROL STREAM MUNICIPAL CODE – ZONING AND SIGN CODE. The results of the roll call vote were:

Ayes: 5	Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner
Nay: 1	Trustee Shanahan

REPORT OF OFFICERS:

Mayor Ferraro thanked Trustee Shanahan for representing him at the DuPage County Fair. He noted that Trustee Shanahan rose from 8th place to 3rd place in the hog-calling contest. Mayor Ferraro said that he and Chris Oakley were in Spokane, Washington attending the Sister Cities conference.

Trustee Saverino said that the Thursday night concert with Tony Spavone was a great. He added that he does not sing unless the Mayor is singing. He thanked the Public Works Department and the Police Department for the great job that they do at these events.

Trustee Shanahan said that he had a great time at the DuPage County Fair. He noted that there are benches placed at the fair that have been donated by other municipalities in the County and asked if the Village was asked to donate one and if not, could staff look into how we can donate a bench for use at the next County Fair. Trustee Shanahan asked what has been done about getting a fence on the north edge of the Town and Country development. Mr. Breinig said that staff has reported back that the

builder is unwilling to put up a fence. Trustee Shanahan asked if the Board would consider paying for a fence and Mayor Ferraro said it would be looked into.

Trustee Stubbs said that he would invite everyone out for the "National Night out Against Crime" at Community Park tomorrow night.

Trustee Gieser said that there is another concert at the Town Center on Thursday and that it appears that the crowds are getting bigger and bigger every week. Trustee Gieser said that he would like to see a couple of recycling cans at these concerts to promote recycling.

At 8:35 p.m. Trustee Shanahan moved and Trustee Fenner made the second to move to Executive Session to discuss Collective Negotiating Matters and Purchase of Real Property. It was determined that there will be no further action and the Board will adjourn directly from the Executive 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