

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

November 7, 2005

Mayor Ross Ferraro called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Jan 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 Kostopulos, Village Clerk Koester and Deputy Village Clerk Progar

Cub Scout Pack 190 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 October 17, 2005 as presented. The results of the roll call vote were:

Ayes: 3 Trustees McCarthy, Gieser and Saverino
 Nays: 0
 Abstain: 1 Trustee Fenner
 Absent: 2 Trustees Stubbs and Shanahan

The Minutes of Special Meetings for the Retreat were received.

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Presentation by American Legion: Del Miller and Sandy Lykens of American Legion Post 76 presented Mayor Ferraro with a check for \$490.00 which were the proceeds from the Bingo Games that were held at the four-day Festival at Town Center.

Presentation by Mayor Ferraro to the American Red Cross: Mayor Ferraro presented a check to the American Red Cross for \$2,320.06 from the residents of Carol Stream to aid the survivors of Hurricane Katrina.

CONSENT AGENDA:

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

1. No action required: Rezoning-pre-annexation-St. Charles Rd./Morton Road
2. Spec. Use-Restaurant/Bar/outdoor seating-1022 Fountain View-Ord. 2005-11-58

3. Rezoning- B-2 to B-3- Auto Zone ATR- Ord. 2005-11-59
4. Final PUD- Lot 14- Pasquinelli 2nd Resubdivision-Or. 2005-11-60
5. Approve purchase of Investigative vehicle
6. Award of Contract-Kuhn Rd Sanitary abandonment
7. Waive Bids-Award Contract-2005 Pipe Underdrain Project
8. Financial Assistance Request – CS Arts
9. Resolution 2160: Declare surplus property- computers
10. Request for approval of temporary gravel parking lot-400 Fullerton Ave.
11. Received: Annual Statement of Revenue & Expenditures/Change in Fund Balance
12. Regular Bills & Addendum Warrant of Bills

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

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| 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 placed on the Consent Agenda for this meeting.

Spec. Use-Restaurant/Bar/outdoor seating-1022 Fountain View-Ord. 2005-11-58:

At their meeting on October 24, 2005, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a special use permit for a restaurant with bar and outdoor seating area at 1022 Fountain View Drive in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2005-11-58, AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A RESTAURANT WITH A BAR AND OUTDOOR SEATING IN THE B-2 DISTRICT – (1022 FOUNTAIN VIEW DRIVE).

Rezoning- B-2 to B-3- Auto Zone ATR- Ord. 2005-11-59:

Final PUD- Lot 14- Pasquinelli 2nd Resubdivision-Or. 2005-11-60:

At their meeting on October 24, 2005, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the rezoning from B-2 to B-3 and the final Planned Unit Development with amendments to the conditions to include additional accents to building corners and to have roof top elements screened from view in all directions and to eliminate the four evergreen trees on the south side of the trash enclosure. The Board concurred with the recommendations and adopted Ordinance 2005-11-59, AN ORDINANCE REZONING PROPERTY FROM B-2 GENERAL RETAIL DISTRICT TO B-3 SERVICE DISTRICT – (LOT 14 PASQUINELLI'S 2ND RESUBDIVISION) and ORDINANCE 2005-11-60, AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT.

Approve purchase of Investigative vehicle:

The Board approved the purchase of a Dodge Grand Caravan SXT wit options for \$19,380.00 under the State of Illinois bid. The vendor is Bob Ridings, Inc. 931 Springfield Road, Taylorville, IL 62568.

Award of Contract-Kuhn Rd Sanitary abandonment:

The Board awarded a contract for the Kuhn Road Sanitary Sewer Abandonment to Interstate Road Contractors in the amount of \$5200.00. This project is a component of the 2004 Aztec Drive Sanitary Sewer Rehabilitation.

Waive Bids-Award Contract-2005 Pipe Underdrain Project:

The Board waived the bids for the 2005 Pipe Underdrain Project and awarded contracts to:
J&S Paving, Inc. – asphalt driveway work = \$650.00
Sarnelli Concrete – concrete sidewalk and driveways - \$3,271.68
AG VanGundy Landscape, Inc. – PVC pipe and restoration work - \$19,711.90

Financial Assistance Request – CS Arts:

The Board approved a one-time funding request to Carol Stream Arts. These funds will be supplies form unencumbered money in the Legislative Board budget.

Resolution 2160: Declare surplus property- computers:

The Board approved Resolution 2160, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. This electronic equipment will be given to Computers for Schools Organization.

Request for approval of temporary gravel parking lot-400 Fullerton Ave.:

The Board approved a request for a temporary gravel parking lot at 400 Fullerton Avenue in accordance with the conditions noted in the staff report by Village Planner Donald Bastian on November 1, 2005.

Regular Bills & Addendum Warrant of Bills:

The Board approved the payment of the Regular Bills in the amount of \$336,100.80.
The Board approved the payment of the Addendum Warrant of Bills in the amount of \$805,002.02.

REGULAR MEETING:

A Resolution supporting the formation of a local youth council:

Trustee Matt McCarthy introduced Ashley Elizabeth Crocello, Mallory Darlene Redinger, Sean Marcucci and Eric Booth as the inaugural members of the Carol Stream Youth Council. Each member gave a brief introductory statement and thanked the Village Board for allowing their participation.

Trustee McCarthy moved and Trustee Gieser made the second to adopt Resolution 2161, A RESOLUTION SUPPORTING THE FORMATION OF A LOCAL YOUTH COUNCIL.

Request for relief from use restrictions on Lot 10, Pasquinelli's Central Park:

William Shiner appeared before the Board and spoke on the original annexation agreement in regard to the commercial development of this property. He explained that amount of land that could be developed is less than any of the "big box" requirements. Mr. Shiner said that what he is proposing on the current development, if the restriction waiver is approved, is a total of 60,000 sq. ft. of building which is only 8,000 sq. ft. less than the original concept plan. He noted that as retail shopping centers evolve and change, it is shown that the non-retail tax generators still generate traffic to the sales tax generating stores. Mr. Shiner said that he is asking for the relief and he will live with the agreement as it is, but he is here at the request of a tenant who would like to occupy that building and is a sales tax generating operation. He said that he has told this

prospective tenant that he cannot build additional retail without getting some relief because it makes no sense with the vacancies now standing.

Trustee McCarthy asked why build more when there are current vacancies and Mr. Shiner said that because if there was not a restriction there would not be vacancies. Under the current restrictions he is not willing to take the risk of another commercial building.

Trustee Fenner commented that she understands the intent of what the Board was trying to do and she understands that the Board is aware that the Village needs revenue and if the restriction for only sales tax generating businesses would bring additional revenues to the Village and delay the imposition of a property tax. As a businesswoman, she said that she sees how this is stifling the developer's growth and noted that every strip mall/ shopping center has some type of non-sales tax generating use. Trustee Fenner said that her inclination is to be lenient on this, and she is willing to listen and to look at a proposal for use.

Mayor Ferraro asked how many sales tax generators there are and Mr. Shiner said that there is about 20,000 sq. ft. and there would be most of the 30,000 sq. ft. proposed building would be sales tax generating. He noted that the relief would be for future tenants as well current users.

Trustee Gieser asked if 50 % of that proposed building would be sales tax generators and Mr. Shiner said that it would be at least that and possibly more. Trustee Gieser said that he would agree with Trustee Fenner since it does make sense.

Mayor Ferraro commented that the Village has continued to give breaks for different reasons that have continuously taken away from the promised sales tax generation and he is upset that this development will not provide that 90% of the commercial development for sales tax generation.

Trustee Fenner moved and Trustee Gieser made the second to direct staff to prepare an ordinance amending the Planned Unit Development for Lot 10 of Pasquinelli's Central Park Subdivision to allow non-tax revenue uses. The results of the roll call vote were:

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| Ayes: | 3 | Trustees McCarthy, Gieser and Fenner |
| Nays: | 1 | Trustee Saverino |
| Absent: | 2 | Trustees Stubbs and Shanahan |

DuPage County ZBA Case #5164-05: Petition for Conditional Use for Religious Institution:

Mr. Breinig said that this is the piece of property on St. Charles Road, just west of the creek near Benjamin School. There is a house that has a drive out onto St. Charles Road. The Village received a notice late last week that there is a petition that will go before the County Zoning Board of Appeals to consider a Special Use for a Religious Institution. The position that the Village will take is consistent with what was done for Wheaton Bible Church. The propose use is inconsistent with our Future Land Use Plan and more importantly, they are proposing a conditional use, but nothing has been nothing received from the County in terms of what the site plan , how the site is intended to be used. There is a tremendous concern about traffic and things related to an institutional use that is being proposed. How is traffic proposed to generate, how will the traffic leave the site and get back onto the main streets, North Avenue, or Fair Oaks Road, etc. The hearing date is set for November 17, 2005 and they want comments from the Village by the 16th, so staff will follow-up with a Resolution to ratify that position at the next Board Meeting, but will present our objections and concerns to the County. The only document that has been presented is only a site plan of the existing property with nothing to explain how the site would be redeveloped. Bob Glees, Community Development Director said that he has tried to contact Benjamin School to see whether they had any comments they want to pass along to us for inclusion to our response.

Trustee Fenner asked if this is the parcel directly east of Benjamin School and was told that it is. She then commented that this would place it directly across from the existing Church, and

agreed that this would be a little further east of that existing church. Trustee Fenner said that she was told that the existing church has an average attendance of 800 people at their services and if this other church that is being proposed is as big, or close, there is the potential of 800 cars on St. Charles Road at the same time. In addition, when it is completely there will be the traffic generated by Wheaton Bible Church. Mr. Breinig said that the village is not opposed to the use in concept, there needs to be more information given. Trustee Fenner agreed, stating that everything has to be considered from service times to road improvements and what will be needed to accommodate the area.

Trustee Gieser said that the main objective here is that more information is needed, there is no opposition at this point, but there is a lot of information that needs to be brought forward.

Mr. Breinig stated that the objection would be based on the lack of information available for the Special Use request.

Mr. Glees said that he will advise the County of the objection noted, that there will be a formal resolution forthcoming and ask if there are any plans available for reviewing.

REPORT OF OFFICERS:

Mayor Ferraro said that next Tuesday he will be in Washington DC for the Homeland Security Task Force meeting. He thanked Trustee McCarthy for his work in establishing the Youth Council as well as thanking the students that are willing to participate and do the work.

Trustee McCarthy thanked the Mayor and fellow Trustees for the support that they have given him in working on this Youth Council. He thanked teacher Erica Bright-Parker for all of her help and the students for taking on this responsibility.

Trustee Saverino thanked Trustee McCarthy for bringing this about and working with these young people.

Trustee Fenner thanked the Cub Scouts for their participation as well as the students with the Youth Council and said that she is looking forward to working with all of them. She said that there are two more Trustees that are attempting to work with the electronic agenda, and even though this week's agenda was messed up, we are still one step closer to having a paperless agenda.

Trustee Gieser said that he is in favor of a paperless agenda. He thanked Trustee McCarthy for his work with the Youth Council and he thanked the Board for recognizing the Carol Stream Arts and making a financial contribution to keep it going. He recognized Carole Ellermeier, Rose Calkins, Joy Doll, and Suzanne Hlotke for their work. Trustee Gieser said that he wanted to commend Sue Hlotke for all of her volunteer work over the past 4 to 6 weeks in Houston with the survivors of Hurricane Katrina.

Mr. Breinig said that he and staff look forward to working with the Youth Council. He noted that the first meeting of the Stormwater Advisory Committee is Tuesday, November 8th at 7 p.m. There are a group of volunteers who will work with the Village to try to identify the needs of the Community for stormwater and how to prioritize those needs and fund them. Mr. Breinig said that the Christmas Sharing Program will be recognized with the Governor's Home Town Award for that project. He noted that the Police Honor Guard participated in a competition this week and placed very well. Chief Willing commented that the guard placed first in the event on retiring the colors and fell just short of receiving the Commander's Cup for the competition. He noted that our honor guard has put in a lot of hard work and effort and it showed in this competition.

Village Clerk Jan Koester thanked all of the parents for their support of the cub scouts and the Youth Council members.

Many parents of students from Jay Stream School were in attendance to make the Board aware of the Katrina relief dinner and talent show that raised \$4,400 for the victims of the hurricane.

Board and staff applauded the student's efforts.

Suzanne Hlotke said that the funds that were raised and given helped so much to give back to people who had lost everything were so appreciated by the people she worked with in Houston, TX. Money and donations gave these people the basics of everyday life and a reason to believe that things would get better. She said that she is proud of what the residents of Carol Stream have done and are doing to help these folks.

Mayor Ferraro and the Board said that they were proud and thank full that Suzanne took time out of her life to help with what needed to be done.

Trustee Gieser moved and Trustee Saverino made the second to move to Executive Session to discuss Collective Negotiating Matters and to adjourn directly from that session without taking further action. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES