

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

**November 21, 2005**

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

Present: Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner  
 Absent: Trustee 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 November 7, 2005 as presented. The results of the roll call vote were:

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

**AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:**

Fire Chief Mark Bodane representing the Carol Stream Rotary Club presented Mayor Pro-Tem Fenner a check for \$1,000 for the Christmas Sharing Fund. Chief Bodane explained the many ways the Rotary Club contributes to the Village to make life better for all of the residents of the Village.

Police Chief Willing presented Mayor Pro-Tem Pam Fenner a plaque for the Governor's Home Town Award in recognition of the Christmas Sharing Program sponsored by the Social Services Department.

**CONSENT AGENDA:**

Trustee Stubbs 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 & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

Trustee Stubbs moved and Trustee Saverino made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call vote were:

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

1. Fair Oaks Road Improvement & Multi-Use Path Projects
2. Award of Phase III Engineering Contract for Lies Road Bikeway
3. Local Agency Agreement for Federal Participation in the Lies Road Bikeway Path

4. Received: Snow Removal Plan
5. Contractual Snow Removal Agreements
6. Water Meter Reading
7. Ordinance 2005-11-61, Amend the Code to require bidding over \$20,000
8. Resolution 2162: Object Appeal for Cond. Use-St. Charles Road-DPC ZBA
9. Appointments to the Stormwater Advisory Committee
10. Temporary Use- Outreach Community Center Ministries-Furniture Sale
11. Regular Bills, Addendum Warrant of Bills
12. Received: Treasurer's Report-month ending October 31, 2005

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:

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

**COMMENTS:**

Trustee Stubbs commented that he believes that the multi-use path and bikeway along Lies Road will do a lot to tie the community together and he is even more enthusiastic that it will be 75% funded by the Federal Government.

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

**Fair Oaks Road Improvement & Multi-Use Path Projects:**

The Board approved Change Order #1 in the amount of \$53,800.00 to Earth Tech for supplement engineering services to the Fair Oaks Road Improvement and Multi-Use Path Projects.

**Award of Phase III Engineering Contract for Lies Road Bikeway:**

The Board awarded a consultant contract for \$109,674.37 to TransSystems Corporation for the Phase III Construction for Lies Road Bikeway.

**Local Agency Agreement for Federal Participation in the Lies Road Bikeway Path:**

The Board approved the execution of agreement with Illinois Department of Transportation which establishes the guidelines for the contract and funding of the Lies Road Bikeway.

**Contractual Snow Removal Agreements:**

The Board approved snow removal agreements with the following companies that have expressed an interest: D & M Services, Carol Stream, Kammes Auto & Truck Repair, Inc. Bloomingdale, Olive Grove Landscaping, Carol Stream, S & S Maintenance, West Chicago T.C.L. Excavating, Genoa and U.S. Paving, Carol Stream.

**Water Meter Reading:**

The Board waived the formal bidding process and awarded a contract for five years – (2006-2010) at a cost of 30 cents per meter to Mr. Sitco Company .

**Ordinance 2005-11-61, Amend the Code to require bidding over \$20,000:**

The Board adopted Ordinance 2005-11-61, AN ORDINANCE AMENDING THE CAROL STREAM CODE TO REQUIRE BIDDING FOR CERTAIN CONTRACTS ABOVE AN AMOUNT OF \$20,000.

**Resolution 2162: Object Appeal for Cond. Use-St. Charles Road-DPC ZBA:**

The Board adopted Resolution 2162, A RESOLUTION OF OBJECTION TO A REQUEST FOR A CONDITIONAL USE FOR THE PROPERTY LOCATED AT 28W100 ST. CHARLES ROAD – (DUPAGE COUNTY ZBA CASE NO. 5164-05).

**Appointments to the Stormwater Advisory Committee:**

The Board approved a revised list of appointments to the Stormwater Advisory Committee which is as follows:

Arnie Biondo	Carol Stream Park District
Pat Brushaber	The Patrick Group, Inc.
Allen DuBose	Testing Services Corp.
Hank Gmitro	School District 93
Dave Jedlicka	1069 Buckskin Lane
Milli Jones	College of DuPage
Darrel Malcom	536 Indianwood Dr.
William T. Murakami	FIC America
Pete O'Rahilly	244 Tomahawk Court
Phillip Wood	Fellowship Church of CS

**Temporary Use- Outreach Community Center Ministries-Furniture Sale:**

The Board approved a temporary special use for 120 days to the Outreach Community Center Ministries, at 610 E. North Avenue for a furniture sale as explained in a November 18, 2005 memo by Village Planner Donald T. Bastian.

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

The Board approved the payment of the Regular Bills in the amount of \$242,976.59. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$1,031,095.39.

**REGULAR MEETING:**

**Town Center Use- 2006:**

Mr. Breinig said that we have been actively marketing Town Center for the past couple of years. There have been 4 or 5 weddings, with about 200 guests, per year, and one or two corporate events. In evaluating the activities there are a number of issues that have come up such as cooking, liquor, tables and chairs, the time limit, the size of the tent and glass plates and glasses that might constrain people's ability or desire to use Town Center. Currently there is no cooking allowed on site, or the use of anything characterized as use of an open flame. In the course of investigating it would appear that we are more restrictive than we might need to be. In talking it over with the Fire Department they do not view Sterno as an open flame, where we have only allow electric devices, warmers, crock pots, etc. It is not the intent to allow anyone to cook inside the tent, but with the Board's direction Staff will explore how matter could be handled and then come back with a clear policy / guidelines for Town Center use. The thought is to create a list of caterers that could be used at the facility. This list could be expanded if a desired caterer is requested and could meet the established guidelines. There would be different levels of catering from formal, to picnic or cake and coffee and all different price points. Trustee Saverino said that the key will be in the caterers that are chosen, and he believes that they should include caterers that have a liquor license. He would also recommend that the

recommended caterer should be complete caterers that have tables and chairs, liquor license and serving ability for what a person could pay for. He also said that some type of security should be considered as well to which Mr. Breinig replied that the parties themselves are responsible for the tables and chairs, or the supplier is and staff has not considered offering any other type of security. Trustee Saverino asked about parties that may wish to have such things as water slides, or jumping jacks and Mr. Breinig said that there are limitations as to where such things can be located. This is to preserve the sprinkler system from damage, so the location for any recreational elements would have to be in the field to the west of the tent. Trustee Saverino said that he would like to hear the views of the other Trustees, but he feels that if the onus is put on the caterer that supplies the liquor then the Village does not have the responsibility. He said that he would worry that if alcohol were served and it came into the hands of the wrong people, what would happen. Mr. Breinig said that Host insurance would protect the Village from having liquor consumed on the property. Host insurance presumes that liquor is given away, however if there would be a cash bar, there would have to be both Dram Shop insurance as well as Host Liquor insurance. Mr. Diamond noted that you cannot give away liquor, what would be required would be a caterer that has a liquor license and Dram Shop insurance that is providing liquor as a part of a contracted price contract for an event. This does increase potential liability but it is a liability for which there is a very established level of insurance coverage at a reasonable price.

Trustee Fenner commented that she is not really keen on providing tables and chairs since they can be provided from other places.

Mr. Breinig said that next issue is that we require events to end at 10:00 p.m. as a matter of civility. In response to the question of the time factor for Town Center events, it was stated that the four-day event and the drive-in movie go to 11:00 p.m. and the Thursday night concerts are done at 9:00 p.m. The guideline could be that the event can go to 11:00 p.m. but the amplified music must stop at 10:00 p.m.

Trustee Gieser said that he does not see a problem is the chairs and tables are taken down after 10:00 p.m. and the other Trustees agreed.

Mr. Breinig said that every event has had to purchase an amplification permit, so the fee will now be folded into the use fee instead of being a separate fee.

Trustee Fenner said that in regards to the tent sides, how could anyone afford \$1200.00 to put them up or take them down. For the fee of \$350.00 the Village will certainly not do either. Any one that asked about removing or putting up the sides has been told that they would have to pay to have it done. The Board directed staff to continue this procedure.

Trustee McCarthy asked if any cooking would have to be done by an approved caterer or can people bring in grills and do their own cooking, just not under the tent? Mr. Breinig said that the problem to this point has been that it is hard to be the person at the party and the person that is responsible for the party. It has been discussed with staff that if these guidelines are approved there will have to be a designated person who will be on site, that will be the contract person. The concern is that who would be responsible for overseeing the grills so that the tent will not be set on fire. Trustee McCarthy concurred that cooking can only be by a caterer, as well as alcohol can only be served by a liquor license holder.

Trustee Saverino commented that for all of this, the Village only gets \$350.00. Mr. Breinig said that what we are recovering our expenses. Trustee Saverino asked if any could give a number as to how many events there could be in the window of time when there are not Village events and Mr. Breinig said that we could probably double the amount from 4 to 5 to 8 to 10. Trustee Saverino said that he expected that the rental would be considerably more than \$350 considering the tent and the grounds, etc. Mr. Breinig commented that this is an outdoor tent in a park. People have asked to have the Village pressure wash the tent and to clean it. They are told that this is a tent in a park, that we will sweep the asphalt floor, but this is what it is. If the price is raised then more will be expected.

There was discussion regarding having this be an alternative site for people on a small budget or having it be a business that is trying to recover investment costs. There was also discussion about the hotel that was proposed at the outset and it was determined that if that hotel that is under contract comes about then all of this over. The tent will be provided for the four day event at Town Center and that is it. The only thing then available is a totally outdoor wedding. Trustee Stubbs said that we should try to attract as many people as possible to use the facilities at Town Center and by providing these options make sense.

Mr. Breinig said in taking a cue from Trustee Saverino, we can look into corporate events and we may actually see those uses take off. We may have to assess for corporate events having a facility that can have liquor, can have a company picnic, or marketing event or sales event would be pretty unique in an outdoor setting.

Trustee Gieser said that there needs to be a variety of caterers and options and price points. He would like to see the mechanism that would allow a caterer not included on the approved list, that could be used instead, providing they meet the same criteria. He said that he would to see if some of these ideas could be used at the Farm House as well. Mr. Breinig stated that the Farm House needs a lot more and would require a whole different analysis.

There was discussion about differentiating between an event that is for profit and an event that is not for profit, as well as resident and non-resident rates.

Mr. Breinig said to the Trustees to continue to contribute ideas or suggestions to staff because this will take some time to bring together.

**Consideration of a request to grant an extension for executing Ordinances 2004-10-57 and 2004-10-58 for the property at 120 S. Gary Avenue:**

Trustee Stubbs said that the concern is that when the Board originally discussed putting a car wash at that location, he had some reservations at that time because he felt that there was a better use for that particular property, right next to the Holiday Inn. He said that now is an opportunity to look at some better options for this property. Unless there can be an improvement to what was initially proposed, he would not recommend that the Board continue with the same thing.

Michael Weingrad of M&E Enterprises appeared before the Board and said that last year they presented this proposal and listened to what revisions were wanted and did carry them out. He said that since then he has relocated to Houston and the documents that were supposed to be signed were misplaced and not returned. The property is under contract and the buyer who wants to duplicate what the approved plan provides. Mr. Weingrad said that he is asking for an extension of time to provide the signed documents.

Trustee Fenner asked if the property has been sold and was told that it is under contract.

Mr. Diamond said that both ordinances have the provision that says that if they are not within a particular time they are not valid, unless the Board agrees to extend the time. From a legal standpoint, absent the ability of the Board to push forward with this, the Board has the right to deny the request. One of questions might be who the people are that have the contract and what experience they have in this business and whether they truly understand that they are obligated to comply with these provisions and does the Board still feel that this is the highest and best use of the property. The Board does have the right to deny, or to ask for more information about the contract purchaser.

Trustee McCarthy said that he would like to know about the contract company and what their background is.

Trustee Saverino commented that he voted no the last time and he hasn't changed his opinion. He said that he still does not feel that that is an appropriate place for a car wash.

Trustee Stubbs reiterated his earlier statement and said that we now have the opportunity to rethink if this is the type of development that we want at this location.

Trustee Gieser said that he is concerned about whether the new developer would follow the approved plan to the letter.

Mr. Diamond explained the choices for the Board which are they can deny the request for an extension; the matter can be tabled and require the applicant to provide additional information regarding the potential new owner and their level of experience and understanding regarding their obligations; this matter can be tabled to the next meeting in consideration of the absent members for this meeting and invite the applicant to give the information being requested.

Mr. Diamond continued by saying that it has been more than one year since this use has been approved. He said that these were done as separate ordinances, one changing the zoning from B -2 to B-3 to allow a car wash. The second change grants a special use with additional conditions. He said that what ever the Board chooses to do can sustained legally and he does not have a specific recommendation on which motion should be made.

Trustee Gieser moved and Trustee McCarthy made the second to table this matter to the December 5, 2005 meeting and have the applicant provide the information on the contract purchaser as well as a copy of the contract to purchase the property. The results of the roll call vote were:

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

**REPORT OF OFFICERS:**

Trustees Gieser, Stubbs, Saverino, McCarthy and Fenner all wished everyone Happy Thanksgiving and Happy Holidays.

Mr. Breinig reminded everyone of the Tree Lighting on Friday at 6:20 p.m. and Trustee McCarthy noted that the Youth Council will be leading young residents in Christmas Karaoke tunes.

At 9:15 p.m. Trustee Stubbs moved and Trustee Saverino made the second to adjourn. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES