

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

**December 19,2005**

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, Stubbs & Shanahan  
Absent: Trustee Fenner  
Also Present: Village Manager Breinig, Assistant Village Manager Mellor, Attorney Diamond, Village Clerk Koester and Deputy Clerk Progar

Mayor Ferraro 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 December 5, 2005 as presented. The results of the roll call vote were:

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

**AUDIENCE PARTICIPATION & PUBLIC HEARINGS: NONE**

**CONSENT AGENDA:**

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

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

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

1. Lakewood Homes: Authorize Execution of an Annexation agreement - Fisher Farm-N. side of North Ave. west of Gary Avenue – **Ord. 2005-12-65**
2. Lakewood Homes: Annexing Certain Property: **Ord. 2005-12-66**
3. Lakewood Homes: Rezoning from O R Office Research to R-4 General Residence & B-2 General Retail – **Ord. 2005-12-67**
4. Lakewood Homes: - Special Use Permit – PUD – **Ord. 2005-12-68**
5. Lakewood Homes: - Approve Preliminary Plat of Subdivision – **R. 2164**
6. Received: CS Community Education Center – Year end report
7. Approve Grant Agreement with IDNR-C200 Grant

8. Request to purchase two (2) Plow Trucks
9. Award of Contract- 2006 Summer in the Center Carnival
10. R. 2165: Objecting to approval of conditional uses & variations-24W349 St. Chas. Rd.
11. Table to 1/17/06-Request from Duke Construction to appeal decision of PC denying Duke's proposed Gary Avenue Master Plan for 121-131 E. North Avenue
12. Approve: Village Manager Employment Agreement
13. Regular Bills, Addendum Warrant of Bills, Treasurer's Report

Trustee Shanahan moved and Trustee McCarthy made the second to approve the items placed on the Consent Agenda by omnibus vote. The results of the roll call vote were:

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

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

**Lakewood Homes: Authorize Execution of an Annexation agreement - Fisher Farm-N.side of North Ave. west of Gary Avenue – Ord. 2005-12-65:**

The Board adopted Ordinance 2005-12-65, AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT – (LAKEWOOD AT KLEIN CREEK SUBDIVISION). This approval is subject to the Village Attorney's review and approval of technical matters.

**Lakewood Homes: Annexing Certain Property: Ord. 2005-12-66:**

The Board adopted Ordinance 2005-12-66, AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS – (LAKEWOOD AT KLEIN CREEK SUBDIVISION). This approval is subject to the Village Attorney's review and approval of technical matters.

**Lakewood Homes: Rezoning from O R Office Research to R-4 General Residence & B-2 General Retail – Ord. 2005-12-67:**

The Board adopted Ordinance 2005-12-67, AN ORDINANCE REZONING PROPERTY FROM O R OFFICE RESEARCH DISTRICT TO R-4 RESIDENCE DISTRICT AND B-2 GENERAL RETAIL DISTRICT – (LAKEWOOD AT KLEIN CREEK SUBDIVISION). This approval is subject to the Village Attorney's review and approval of technical matters.

**Lakewood Homes: - Special Use Permit – PUD – Ord. 2005-12-68:**

The Board adopted Ordinance 2005-12-68, AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – (NORTH SIDE OF NORTH AVENUE, WEST OF GARY AVENUE). This approval is subject to the Village Attorney's review and approval of technical matters.

**Lakewood Homes: - Approve Preliminary Plat of Subdivision – R. 2164:**

The Board adopted Resolution 2164, A RESOLUTION APPROVING A PRELIMINARY PLAT OF SUBDIVISION – (NORTH SIDE OF NORTH AVENUE, WEST OF GARY AVENUE). This approval is subject to the Village Attorney's review and approval of technical matters.

**Received: CS Community Education Center – Year-end report:**

Mr. Mellor reported that every year the Carol Stream Education Center is charged with reviewing its programs and services held at the Center on Kuhn Road. The advisory committee consists of eleven members, seven are appointed by the Mayor and the remaining four are appointed by the College of DuPage. The Committee has issued a year end report which has been distributed and includes the minutes of the last Board Meeting, enrollment data for the Fall 2005 quarter, the Community Room usage report, raw numbers report for the free computer classes that are offered to CS residents and the flyer announcing the opening of the new Children's Play Center for the College of DuPage which will offer enrolled students the opportunity to go to classes and have their children, ages 2 to 12, to attend the day care. In response to the question, it was noted that there are two openings for the advisory board due to the transfer of Rev Dawson and the retirement of Joanna Escobar. Mayor Ferraro will determine replacements for these individuals.

**Approve Grant Agreement with IDNR-C200 Grant:**

The Board authorized the execution of a grant agreement with the Illinois Department of Natural Resources (IDNR) Conservation 2000 for the Stream Bank and Shoreline Education Program.

**Request to purchase two (2) Plow Trucks:**

The Board waived the formal bidding process and approved an order for two plow/salting trucks to be purchased from Prairie International Truck Inc. of Springfield, IL in the amount of \$183,630 to be purchased from next year's budget.

**Award of Contract- 2006 Summer in the Center Carnival:**

The Board approved the award of contract for the second year of a 4-year contract to Alpine Amusement Company.

**R. 2165: Objecting to approval of conditional uses & variations-24W349 St. Chas. Rd.:**

The Board adopted Resolution 2165, A RESOLUTION OF OBJECTION TO A REQUEST FOR CONDITIONAL USES AND VARIATIONS FOR THE PROPERTY LOCATED AT 24W349 ST. CHARLES ROAD - (DUPAGE COUNTY ZBA CASE NO. 51765-05)

**Regular Bills, Addendum Warrant of Bills, Treasurer's Report:**

The Board approved the payment of the Regular Bills in the amount of \$367,314.75. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$634,391.46.

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

**REGULAR MEETING:**

**Appointment of Village Treasurer:**

Mayor Ferraro commented that the last appointed Treasurer was Rod Kuecker and when he was elected as a Trustee no one applied for the position so Finance Director Stan Helgerson assumed it. Mayor Ferraro said that he felt that it is time to fill the position of Village Treasurer again and is recommending Anthony Dean Manzullo.

Trustee Stubbs asked if this appointment has any impact on the Board and Mr. Diamond stated that this would not have any impact on the Board and the position has no independent authority to authorize the expending of funds. Mr. Breinig noted that under State Statutes the Finance Director reports to the Village Manager, not the Treasurer and that the most obvious change will be that the payable listings will have the Treasurer's signature.

Trustee Gieser asked if Mr. Manzullo is willing to do this for \$250 per year and he replied that he is happy to serve the community in any way he can.

Trustee Gieser moved and Trustee McCarthy made the second to approve the appointment of Anthony Dean Manzullo as Village Treasurer, with an annual of salary of \$250.00 per year, which will be proportional as of 01/01/06 for an indefinite term.

Following discussion on the salary, Mr. Manzullo said that since he is employed by DuPage County as Deputy Treasurer of DuPage County, there is a limitation to the amount he can earn. The results of the roll call vote were:

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

Mr. Manzullo thanked everyone for their support.

**Village Response to DuPage County's Request for Comments Regarding ZBA Case No. 5164-05, a request for approval of a conditional use for a Religious Institution at 28W100 St. Charles Road.**

Mr. Breinig said that information was provided by the County at the November 7<sup>th</sup> meeting in regard to a ZBA Case that involved a proposed religious use at the property located at 28W100 St. Charles Road, immediately east of Benjamin School. At that time there was no site plan or explanation of what was being proposed, only a statement that a religious use was being proposed. At the recommendation of staff, the Village Board elected to pass a resolution in opposition to the request., and it was filed with the County. Since that time, staff has been contacted by the County petitioner and the Community Development Director and the Village Manager met at the site and toured the facility. That petitioner has asked to come before the Board to provide additional information that may provide a greater level of comfort with regard to their petition and the proposed use of the property.

Hersh Khetarpal 28W100 St. Charles Road appeared before the Board.

Mr. Breinig explained to Ms. Khetarpal that staff was notified by the County that the request was changed to allow approval for a different building on the site than was originally requested. He noted that Mr. Glees and he were never shown that particular building when they toured the property and that makes giving an informed decision on the new proposal even more difficult. Community Development Director Glees said that it is his understanding that the petitioner discussed County building code requirements to bring the building up to code requirements for a religious institution for an assembly use and during the course of that conversation there was discussion as to whether the gate house building should be brought up to code requirements or perhaps another building such as the garage might be more economical to bring up to the County's code requirements.

Mr. Breinig commented that there has not been a site plan submitted, but the petitioner has said that they were going to use the existing buildings. There are four buildings on the site, a large principal residence, a house, that can be seen from St. Charles Road, a two car garage, a four car garage that are separate buildings and then there is a gymnasium, an aircraft hanger style building that is on the grounds as well. Mr. Breinig said that it sounds like they are proposing changing their plan from using the second residence to using one of the larger garage buildings and that building was not seen when he toured the property. He noted that on the day of tour it was snowing and it would have been difficult to get into every building. But under the circumstances, the Village, unfortunately is in the same place where this started, which is a lack of information to make an informed decision.

Ms. Khetarpal said that did not know that there is a need for a site plan because they are not changing anything. She said that they are still discussing which building would be more economical to make changes to. At this moment they really don't know which building they will

be using as a religious gathering. Mr. Breinig said that what has become pretty clear is that if the use is lacking in intensity as they have said, 10 to 20 people at a time, staff came away thinking that somebody could have a prayer meeting in the basement of their home and have that many people there and that could be happening at any number of places throughout the community without an impact on anyone and without being an issue. The concern one would have, and it has nothing to do with this use in particular, would be an expansion of the use and that is what Benjamin School and District 25 concerns as well. With limitations and properly restricted, staff believes there is ample room on the grounds with parking areas in front of the principal residence, there is a three to four car garage attached to the house and there is easily space to park 6 to 8 vehicles in front of there and there may be many more than that which were not easily visible due to the snow. There is an area to park in front of the gymnasium and parking spaces in front of the two garages. Mr. Breinig said that the trick in this now is that with it not being what we were told initially with the potential of it changing, he cannot tell whether it would impact the property or not. He added that with what was seen, with proper restrictions placed on it as a special use, it would not be onerous, though it would still not be consistent with our future land use plan, but in terms of other uses and its impact on our proposed development of the area, it would seem to be adverse.

Mr. Diamond explained that the reason the Village has the right to say this is because it is development in an unincorporated area that is close to the Village boundaries. The Village staff is not sure this is a good development because it is not going to be within our community and the Village will not have any jurisdiction over it and unless more is known about it the Village objects to it. This objection then requires a higher vote for passage at the County Board. Because this is a special use, a conditional use, the petitioner, as the property owner would be allowed to agree to certain limitations on the use of the property. As in, this property will not be use for a group of more than 60 people or whatever the appropriate number would be and the areas shown as parking would be the only places where people can park. Mr. Diamond said that if there was an actual plan that had been worked out with the County and an ordinance had been developed that would describe those limitations and came back to the Village Board and said that this is what conditions of use would be acceptable and that address the problems of concern then this Board could withdraw its objection. At this moment all this Board is aware of is the request to change the zoning of the property for a use which could bring lots and lots of people to a site and the concern is that if that happened it would cause traffic and other problems. If the petitioner can define what they want and they can agree with the County to have an Ordinance like that and brought it back to staff and ask the Board to withdraw the objection to the County Board.

Ms. . Khetarpal said that several weeks ago they presented a letter giving in detail of how many people will be coming weekly, how many over the weekend and what we are using this land for. Mr. Diamond explained that unless those restrictions are put into the ordinance that the County is going to give you, you could say, well, we changed our mind, so what staff is looking for in order to have a better sense of what could be done there, will be that the conditional ordinance that the County gives should have these restrictions in there. Ms. Khetarpal said that that is exactly the letter they are giving to the County also. She said that their problem is that they need the removal of the objection before they can make up their mind. Mr. Diamond said that the petitioner has to work with the County on preparing the conditional ordinance, stating what the restrictions would be and have the County write a letter to the Village stating that this is the proposed conditional ordinance and the Village could accept it and pass a resolution withdrawing its objections with the provision that the proposed ordinance be enacted. It was determined that staff will contact the County to share the concerns for restrictions for the use of the property and request that the petition work with them to draw up an ordinance that would be agreeable with all parties.

**Parking- Commerce Drive:**

Request from AFI Industries for consideration of parking restrictions on Commerce Drive. Robert Kloeckner, President and owner of AFI Industries appeared before the Board to discuss a problem regarding over the road trucks parking on Commerce Drive. He said that many trucks are using this as a rest stop and it is interfering with his business and they would like the Board to put some restrictive parking regulations on Commerce Drive.

Mr. Breinig said that the Police Department has been out there when it has be brought to our attention and have found this to be true. He said that it is pretty common for trucks to arrive before the delivery time and the police have in the past allowed them to park on the street during the overnight-restricted hours in the industrial parks. This case has gotten out of hand in that there are trucks being parked that have no business being there. Mr. Breinig noted that in the past week there have been letters sent to all of the businesses on Commerce Drive and those that are wrapping around the corner to see if there was any objections to posting the area as no parking. Some of the businesses on Commerce are small businesses across the street from AFI and it was feared that there might some businesses that are staging out there. To this point that has not been any response or objections. For this to be effective it would have to be signed as no parking, no standing, no stopping since simply no parking would not work because in most cases, if it went to court, the judge will view an occupied vehicle as not being parked, but is standing. He did caution that this is not an infallible situation, an example is that today there was a truck making a delivery to the 7-Eleven across the street and it was standing and stopping right in front of the Police Station in a no parking, standing or stopping posted area. The delivery was done in a very short period of time, and was probably far less dangerous than having the semi try to park and unload in the strip mall.

It was suggested that an ordinance be adopted to amend the traffic code to add Commerce Drive from St. Paul Boulevard to Kehoe Boulevard to the no parking, no standing, no stopping streets. Mr. Kloeckner said that he would like to have the no parking on the west side of Commerce and then on the east side of the street have no parking up to a certain length from the start of Kehoe to past his driveway which would only have two to three trucks staged on Commerce at any one time. Mr. Breinig said that if another truck pulls into that spot before AFI is open and it's on legal business there is nothing that can be done to prohibit that truck to park there.

Mayor Ferraro said that signs do not allow specific trucks to park, or prohibit specific trucks to park in an area. He suggested that the Board continue this matter to the meeting on January 17<sup>th</sup> to allow the businesses along Commerce Drive to comment on the parking regulations.

Mr. Breinig said that the Police will begin enforcing the overnight parking restriction in earnest on Commerce. In the past we have looked the other way for a truck that arrived before 5:00 am and parking on the street in front of the business considering it to an opportunity to be business friendly, but this has been taken advantage of.

**REPORT OF OFFICERS:**

Mayor Ferraro suggested that the Board cancel the meeting on January 3, 2006 and to change the date of the second meeting in January to Tuesday, January 17<sup>th</sup> because of Martin Luther King's Birthday.

Trustee McCarthy moved and Trustee Gieser made the second to make those meeting changes. The results of the roll call vote were:

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

Trustee McCarthy reported that members of the Youth Council participated in the Christmas Sharing event and the group collected 300 items and \$150 to donate to the fund. He introduced Ashlee and Eric and noted that the first official meeting of the Youth Council is on Thursday, December 22, 2005. Trustee McCarthy reminded residents to get their cars off the streets after a one-inch snow fall and wished everyone a Merry Christmas and Happy New Year.

Trustee Saverino extended his good wishes to all residents and members of the staff and departments in the Village and the Fire Protection District. He commented that some of the Christmas decorations throughout the Village are fantastic and suggested that staff look into creating an award like the landscaping award, for decorations.

Trustee Shanahan thanked Joe and Paul Cotton for allowing the use of their dealership for the Christmas Sharing. He commented that a great example of parking signs being ignored everyone should check out the "mom squad" at Evergreen School in the mornings and when school lets out. He wished everyone a Merry Christmas and a Happy New Year.

Trustee Stubbs said thank you to all of the residents and the staff for their support during the past year and wished everyone Happy Holidays and Happy New Year.

Trustee Gieser said Merry Christmas, Happy Holidays, Happy Hanukkah and said that if anyone cares to listen he will be hosting a show on WGN radio at 12:30 on Christmas Day. Happy New Year everyone.

Mayor Ferraro noted the new recycling containers will be delivered over the next couple of weeks and he asked all residents not to put their garbage and recycling on the curb until after 6:00 p.m. on the evening before the pick-up. He said that doing this will keep garbage and trash from blowing all over the Village. Mayor Ferraro wished everyone a Merry Christmas, Happy Hanukkah and Happy New Year.

Ditto from the Village Clerk and Deputy Clerk.

Mr. Breinig said the new recycling totes will start being delivered next week. He said that he has been so impressed by the capacity of the community to donate and contribute to the most needy in the community. He thanked everyone for all their generosity and wished everyone Merry Christmas, Happy Hanukkah, Happy Kwanzaa, Happy New Year.

Mr. Diamond also wished everyone Merry Christmas and Happy New Year and added that he hopes that the US troops will soon be coming back.

At 9:25 p.m. Trustee Stubbs moved and Trustee Saverino made the second to move to Executive Session to discuss Pending Litigation and to adjourn directly from that session without taking any further action. The results of the roll call vote were:

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

FOR THE BOARD OF TRUSTEES