

Regular Meeting of the Combined Plan Commission/Zoning Board Of Appeals
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

June 8, 2009

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

Chairman David Michaelsen called the Regular Meeting of the Combined Plan Commission/ Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Chairman David Michaelsen, Trustees Frank Petella, Timothy McNally, Angelo Christopher, Ralph Smoot and Dee Spink
 Absent: None
 Also Present: Assistant Community Development Director Dan Bastian and Wynne Progar, Recording Secretary

MINUTES:

Commissioner Spink moved and Commissioner Christopher made the second to approve the Minutes of the May 11, 2009 Meeting as presented. The result of the roll call vote were:

Ayes:	5	Commissioners Petella, McNally, Christopher, Smoot & Spink
Nays:	0	
Abstain:	1	Chairman Michaelsen

PUBLIC HEARING:

Commissioner Spink moved and Commissioner Smoot made the second to open the public hearing. The motion passed by unanimous voice vote.

**09127: Bill Roberts – 700-710 Kimberly Drive
 Variance – Landbanked Parking**

Bill Roberts, 700-710 Kimberly Drive, Carol Stream was sworn in as a witness in this matter. He said that he is a property manager for the build out at 700-710 Kimberly and they are requesting a variance for landbanked parking. Booklet Binding, Inc. has consolidated the operations from Itasca and Broadview and had a combination of 255 parking spaces for their operations. Their operations consist of a print bindery house and then a direct mail house. There are 110 pieces of equipment that occupy about 2/3 of the building. Of that equipment, at any one time, they might operate at about 40 to 50% of capacity, so there are not the number of employees per piece of equipment that is available. In the consolidation of the two operations into one, they dropped about 10% of the workforce, and since May, they have dropped another 10% of employees. The proposal is to go with 284 parking spaces instead of the 524 that would currently be required by the Code.

There were no responses from those in attendance at the call for public hearing.

Mr. Bastian said that Booklet Binding, Inc, the parent company of Team Services is proposing to landbank parking spaces that are not needed as indicated by current head counts of employees.

He said that the Zoning Code, based on the use of space in the building requires 524 parking spaces, as the petitioner explained, much of that space is devoted to process

and it is within this courtyard area, immediately north of the southern corridor, that the applicant is proposing to install the new storage silo.

The attached plans provide additional detail regarding the proposed silo installation. Exhibit C shows an overhead view of the area immediately north of the southern connection corridor. Exhibit C depicts one dark circle with equipment details and five dashed circles with no equipment detail. The dark circle represents the silo that Gilroy Foods and Flavors intends to install if the special use is approved. The five other circles represent areas in which additional silos could be installed in the future. Mr. Lundgren has indicated that while they have no immediate plans to install additional silos in the near future, it would be beneficial if their current special use request could include the ability to install up to a total of six silos in the configuration shown on Exhibit C. Staff has no objection to this request, subject to the recommended conditions that 1) the silos must not exceed 50 feet in height and 2) the required building permits must be obtained from the Village. Exhibit D shows the side view or elevation of the tank. Including all piping and the rooftop railing, the silo will not exceed 50 feet in height. Structures over 50 feet in height in the I Industrial District require special use approval, but the proposed silo will not require such approval as it is shown to measure exactly 50 feet in height.

Staff has evaluated the request from both operational and aesthetic standpoints. From an operational standpoint, the silo will improve business operations, as it will allow for quicker, less labor-intensive salt deliveries that generate less solid waste while also reducing or eliminating truck parking on Alexandra Way. From an aesthetic standpoint, the gray color of the silo will generally match the color of the building, and the interior courtyard location of the silo will substantially screen the view of the silo from surrounding properties. With respect to the commodity, the Carol Stream Fire Protection District does not have any concerns with the bulk storage of salt, as it is not a hazardous or flammable material.

Staff recommends approval of the special use to allow for the outdoor installation of up to six new storage silos at Gilroy Foods and Flavors, 195 Alexandra Way, subject to the following conditions:

1. That up to six new silos may be installed in the area identified on Exhibits A and C, without requiring separate special use review for each silo, provided that the silos match the color of the building and that the silos be no taller than 50 feet in height;
2. That all required permits, including those that may be needed from the Office of the State Fire Marshal, must be obtained prior to the installation of a silo; and
3. That the business use, silos, and maintenance of the property shall comply with all state, county and Village codes and requirements.

Commissioner McNally asked if there is to be six silos will they be just for salt, and Mr. Lundgren said that they could be for salt in several granulations, as well as sugar or dextrose. Commissioner McNally then asked if the request is for all six silos and Mr. Bastian responded, saying that the approval is not for a specific commodity to be approved, just the six silos. He said that there are only plans to install one silo right away, and they would need a permit for any of the other silos and if there is a State's Fire Marshall Permit is involved, it will have to be obtained. Mr. Bastian said that the special use approval being sought tonight is to allow them to have the flexibility to put in as many as six silos in the configuration shown on Exhibit C in the future, without have to come back for each silo.

Commissioner Christopher noted that the pipe shown at the top of the silo does not meet OSHA requirements and suggested that someone should look into the dimensions shown on the drawing prior to construction.

enclosure at the rear of the building. The Fence Code allows a maximum fence height of seven feet in the business districts; as such, Mr. Coughlan is seeking a variation to allow an eight foot tall fence. Michael Coughlan would like to install a new 10 by 12-foot walk-in cooler immediately behind his building. The new cooler would be used to refrigerate both keg and bottled beer, and the existing indoor cooler would be used exclusively for perishable food items, as the Village Tavern has outgrown its current refrigerated storage space needs. The new cooler would be placed on a two-inch elevated concrete pad that was recently installed immediately behind the building, and the condenser for the unit will be mounted on the rear of the unit. This is preferable to mounting the condenser on the roof of the cooler, as it lowers the overall height and appearance of the cooler. The applicant is proposing to erect an approximate 18 by 50-foot wooden fence enclosure on the rear (east) side of the building. The fenced enclosure would serve several purposes, including: 1) improving overall restaurant security in the area of the rear exit 2) providing a secure storage area for empty kegs and 3) screening the appearance of the outdoor cooler and keg storage area. (As stated, the applicant is proposing to install an eight foot tall fence, which will require a variation.

As stated, the applicant proposes to construct an approximate 18 by 50-foot shadow box-style (photo example attached) wooden fence to create the enclosed space for the cooler and outdoor storage area, immediately adjacent to the rear of the building. In conversations with the applicant, staff recommended a project design that would fully screen the new cooler using the shortest fence possible. The original application proposed a 12 foot tall fence, but after discussions with the applicant, it was determined that the condenser unit could be mounted on the side of the cooler as opposed to on the roof of the unit, thereby reducing the overall unit height. When installed upon the two-inch elevated concrete pad, the cooler should measure seven feet, six inches in height. The Fence Code allows a maximum fence height of seven feet in the business zoning districts, which would be inadequate to fully screen the cooler. As such, the applicant's amended variation request is to allow an eight foot tall fence.

Staff can support the variation request to allow an eight foot tall fence as opposed to a seven foot tall fence as permitted by the Fence Code, because the eight foot tall fence is necessary to completely screen the new cooler and because the degree of the requested variation, at only one foot, is small. From an aesthetic standpoint, staff believes that full screening of the cooler is desirable, particularly considering that the rear of the Village Tavern property will be highly visible from the recently approved Carol's Court commercial development that will wrap this property to the south and east.

There are two additional points that staff wishes to share with the Plan Commission/Zoning Board of Appeals. First, the existing rear building exit would exit into the proposed fenced area once the fence is built. As such, the access gate in the new fence will be required to have the proper emergency exit hardware to comply with the Building and Fire Codes. Second, the Plan Commission/Zoning Board of Appeals decision on the Fence Code variation is final and does not require action by the Village Board. (The Zoning Code variations regarding outdoor storage and equipment installation will require final action by the Village Board.)

Staff recommends approval of the Zoning Code variations to allow outdoor storage and the outdoor installation of equipment, and also recommends approval of the Fence Code variation to allow an eight foot tall fence as opposed to seven feet, as allowed by the Code, subject to the following conditions:

1. That the fence shall not exceed eight feet in height, shall be of the shadow box style, and shall have a gate that has the required emergency exiting hardware in accordance with the Building and Fire Codes;

2. That the fence shall be maintained in good condition, with damaged boards being replaced on a regular basis;
3. That there shall be no outdoor storage permitted on the property except within the fenced enclosure;
4. That the applicant shall obtain the required permits for the cooler and fence prior to their installation; and
5. That the business shall comply with all state, county, and village codes and requirements.

Commissioner Petella asked what the height of the cooler and was told that it is 7 foot, 5 inches. He asked if there will be an opening from the building into the cooler and Mr. Coughlan said it will only have outside access. Commissioner Petella commented that he has been involved with these things and asked if there will be a fence over the top and said that he should plan for this in the future, he also said that it may be wise to have an opening from inside the building so it would be easier for loading and unloading in the winter.

Commissioner Spink asked about what types of security will there be for the cooler and fenced area. Mr. Coughlan said that there will be a security bar that will not allow access and that there is adequate lighting and security lights.

Commissioner McNally said that the petitioner should be commended for going to the expense of a wood fence.

Chairman Michaelsen said that the board on board fence that is proposed is not something he likes regarding the appearance. Mr. Bastian said that the fence is what is called a shadow box wood fence and it will not allow anyone to see inside as can be done with board on board. Chairman Michaelsen said that he is looking to have this cooler more protected than what he believes this would provide. He said that there would have to be a panic device to go through this fence incase you would need to evacuate the building. He asked if any consideration has been given to a brick wall and Mr. Coughlan said that if someone was going to scale a wall whether it is wood or brick, they will get it done, no matter what. Mr. Coughlan also noted that the fence is of very strong wood and said that it is guaranteed for 25 years. Chairman Michaelsen said that he would be kind of opposed to a wood fence, and suggested that he consider alternatives. He also said that he should probably put it all inside of the building for total safety. Mr. Coughlan said that he would if it were possible, but it isn't, and that this same idea was done at his former location in Schaumburg and it worked out very well.

Mr. Bastian said that Chairman Michaelsen brings up a good point in that one option would be to put an addition on the building, and have the cooler be finished building space. It is also true that this may bring a cost exposure that the applicant is not willing to entertain right now. There is more than one way that this can be done, and at this point the petitioner's proposal was acceptable the way it was provided that the cooler will be fully screened and will have security and lighting, the fence will be locked from the outside and have the panic hardware to allow for exiting in an emergency. If this is primarily a security concern, that is for the applicant to be aware of. If there are security problems, the petitioner can take Commissioner Petella suggestion of putting security fencing or a roof on the top, without any further variance being necessary.

Commissioner McNally moved and Commissioner Christopher made the second to approve the Fence Code variation in accordance with staff recommendations. The results of the roll call were:

Ayes: 4 Commissioners McNally, Christopher, Smoot, and Spink

Nays: 2 Commissioners Petella and Michaelsen

Commissioner Petella moved and Commissioner McNally made the second to recommend approval of the Special Use Permit for Outdoor Storage and Equipment Installation in accordance with Staff recommendations. The results of the roll call were:

Ayes: 6 Commissioners Petella, McNally, Christopher, Smoot, Spink and
 Michaelson
 Nays: 0

The petitioner was reminded that this matter will go to the Village Board at their next meeting on June 15th and was advised to attend that meeting.

**09135: Village of Carol Stream/Matt York – 1128 Evergreen Drive
 Variations/Fence Code**

Matthew York, Assistant Public Works Director 124 Gerzevske Lane, Carol Stream was sworn in as a witness in this matter. He explained that Public Works is seeking a variance to the Fence Code to allow for an 8 foot fence for the sanitary sewer lift station that is being re-constructed at 1128 Evergreen Drive. He said that the area is currently fenced with a 6 foot fence and the request is to change the fencing to 8 feet tall and to allow a variance for a three-strand barbed wire to be put at the top of the 8 foot fence. Currently well #6, Charger Court Lift station and the Water Reclamation Center all have barbed wire atop both 8 foot and 6 foot fences. At this point in time, having no crimes or damages at other facilities, Public Works is not planning to mount the barbed wire, but they would like the approval now, so that if at some point in time it becomes necessary, it can be accomplished immediately. Mr. York said that the current location is heavily screened with evergreen bushes and since a number of them were taken out due to construction and Public Works is planning on replacing what has been taken out with soft screening on both side of the fence so that it will not block the view of the station to police patrols.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Bastian stated that with the development of the Shining Waters subdivision in the late 1970s, a sanitary sewage lift station was constructed as part of the subdivision's sanitary sewer system. The lift station is currently in the process of being reconstructed, and the construction plans include the installation of an eight foot tall chain link fence around the new lift station. The Public Works Department also wishes to be able to install barbed wire on the fence in the future if the need arises.

The Carol Stream Fence Code limits fence height in the residential districts to five feet, and only allows barbed wire to be used in the Industrial District. As such, the Public Works Department has filed an application for variations to the Fence Code to allow an eight foot tall chain link fence and to allow for the installation of barbed wire in the future. The Public Works Department does not intend to install the barbed wire with the initial fence construction, as barbed wire is used as a deterrent to vandalism, and vandalism has not been a problem at this lift station. However, in the event that vandalism becomes a concern in the future, the Public Works Department is requesting that a variation for barbed wire be approved with the current request so that barbed wire could be added to the fence without having to receive separate approval of another Fence Code variation in the future.

In review of this request, staff notes that the proposed eight-foot fence height with the option to install barbed wire is necessary to provide for the health, safety and welfare of

the Village. The Evergreen Drive lift station is essential in providing a properly functioning sanitary sewer system for the 200-plus homes in the Shining Waters subdivision. If the lift station were to fail as a result of unauthorized tampering with the equipment, sewage would begin to back up into the homes in the neighborhood. Staff supports the variation to allow an eight-foot tall chain link fence as an initial barrier to protect the lift station from vandalism. Staff appreciates the Public Works Department's sensitivity to the use of barbed wire in a residential neighborhood, and supports the plan to not install the barbed wire when the fence is initially built. We also support the variation to allow barbed wire to be installed in the future if needed to deter vandalism. We note that fences exceeding the height allowed by the Fence Code with barbed wire have become the standard at other Village sewer and water system facilities. Following is a list of recent cases in which the Zoning Board of Appeals approved variations for fences which exceed the allowable height, and for the use of barbed wire:

- **Case #04294 – Well #6 Site, 571 Idaho Street (Armstrong Park)**
Fence Code Variations to allow an eight-foot tall chain link fence and barbed wire
Approved 5-0 by the Zoning Board of Appeals (November 2004)
- **Case #07031 – Charger Court Lift Station, 1348 Charger Court**
Fence Code Variations to allow an eight-foot tall chain link fence and barbed wire
Approved 6-1 by the Zoning Board of Appeals (April 2007)
- **Case #07225 – Water Reclamation Center, 245 N. Kuhn Road**
Fence Code Variations to allow a six-foot tall chain link fence and barbed wire
Approved 6-1 by the Zoning Board of Appeals (September 2007)

For reference, attached are two photographs of the Charger Court lift station. The Evergreen Drive lift station will be similar in appearance, except the generator building seen in the top photo will not exist at the Evergreen Drive lift station. The only above-ground equipment at the Evergreen Drive lift station will be an electrical cabinet and two manholes that project about ten inches above the ground.

In staff's evaluation of this case, we note that the fence is necessary to provide for the health, safety and welfare of the residents served by the lift station. We can support the variation to allow for an eight foot fence, and we also support the variation that would give the Public Works Department the ability to install barbed wire on the fence in the future, if the security of the facility becomes a concern in the future.

Based on the information presented, staff recommends approval of the variations in accordance with Sections 6-12-8(K) and 6-12-9(B) of the Carol Stream Fence Code to allow an eight-foot tall chain link fence with three-strand barbed wire in a residential district, subject to the following conditions:

1. That a consideration of a separate Fence Code variation shall not be required should the Public Works Department determine that barbed wire needs to be added to the fence in the future;
2. That, if added to the fence in the future, the barbed wire shall be installed at a minimum of eight feet above the surrounding ground level;
3. That landscape materials shall be added around the south and east sides of the fence once construction activities are complete. Installation of such landscape materials shall be complete by October 1, 2009; and

4. That a fence permit shall be obtained prior to the construction of the fence.

At the call for Public Hearing resident Cathy Redmond said that she live near the lift station and she would not be pleased to see barbed wire. Mr. York said that right now and for the foreseeable future, the barbed wire will not be necessary, but The Department of Homeland Defense can order it if there is a security alert and if we have previous permission than there will be no delays in complying with such a Federal order. For now we will use the natural screening to mask the purpose of the area, but there will be enough gaps to allow some view to patrolling police. Mr. York said that other areas have had more vandalism and installation was necessary to keep everything running and protect the residents that would be affected if this was a disruption of services.

Mr. Bastian said that one way that this could be addressed would be with to put in some deciduous trees now, which would maintain open visibility at ground level, but the tree itself would probably leaf out at the height of the barbed wire would be and thus be disguised.

Chairman Michaelsen asked if the barbed wire at the Charger Court Lift Station is installed straight up or back at an angle where the top portion of the fence could hide it. Mr. York said that at Charger Court it is standing straight up, at well # 6 it is angled to the exterior of the fence, and at Tower # 3 is also straight up. He said that they would plant the new trees now on the exterior of the fence so that when grow it will provide screening if should have to put up the barbed wire.

Commissioner McNally asked of the manholes are locked and secured and was told that they are. Are they alarmed, yes. Commissioner McNally then asked why the barbed wire if they are locked, secured and alarmed, why the barbed wire is needed. He said that he can't see a reason for it, if the first premise is true. Mr. York said that once the locked are broken and any damage is done to the pumps, the whole subdivision could suffer raw sewage in their basements. Commissioner McNally said that barbed wire won't stop a professional or anyone that wants to get over it. Mr. Bastian commented that the fence is not intended to be a preventive measure because if someone wants in, they will get in, but 95% of people will see a fence with barbed wire on it and will leave it alone. Commissioner McNally said that if a couple of kids are playing ball and the ball goes over the fence, most probably they will try to retrieve the ball and get hurt in the process. He said that there is no way I am going to vote yes for barbed wire in a residential area.

Commissioner Smoot said that in 2007 an ordinance was passed to allow this type of fence to be installed and asked if it was designed like this, to put the barbed wire up in the future or did it go up immediately, Mr. Bastian said that the Charger Court Lift Station request was approved to be put up with the barbed wire on the fence. Commissioner Smoot asked about the reasoning for the barbed wire and Mr. Bastian said that there had been vandalism at the location in the past and it was requested for immediate installation. Commissioner Smoot said that he agrees with Commissioner McNally in that he does not like this type of fence in a residential district, you put a barbed wire on it and he thinks that he must be a war zone, or a zone that is susceptible to attracting terrorists to come in to do damage and in fact it is the case that a terrorist is coming in, a fence isn't going to slow them down a heck of a lot. He said that it tells a neighborhood that "you people around here are just a bunch of rowdy folks, we going to keep you out."

Mr. York said that requesting tall fencing shows that the Village is looking out for their welfare and Commissioner Smoot responded that he thinks it is just the opposite. Mr. York said that this is not the first time this request has been granted, and there isn't the intention to put it up at this time, but should the security level elevate, Public Works would be in the position of being able to install it immediately, and since this Lift Station is very similar to the Charger Court Lift Station in regard to residential position there was no anticipation of a problem considering the lack of effect at the other locations. Mr. York said that if the Commission wishes to drop the recommendation for the barbed wire, it

would not present a problem. The 8 foot fence is a better alternative than a 5 foot fence which would not deter any kind of damage or vandalism.

Commissioner Spink asked what would determine a problem that would trigger using the barbed wire, a one time incident, two incidents, how many. Mr. York said it would depend on the seriousness of the incident, if there was an incident regarding the electrical panels, it would require a serious response to protect the residents and/or the equipment that could cost hundreds of thousands of dollars. Commissioner Spink said that any one can get into a chain link fence, and she does not want an 8 foot fence but would consider 7 foot fence since there are locks and alarms on the pumps and electrical panels.

Commissioner Petella asked if there are any other possibilities for protecting the area such as lighting and/or motion detectors, anything that doesn't make it look like a prison. Commissioner Petella said that he drove past the property and there are houses all around it. He said that he would not want to live on the same block as the lift station.

Mr. York said that something could be done with motion detectors and then there will plenty of people that will call complaining that a cat or some other animal walked by the facility and the lights were going on and off all night. Mr. York said that he does not anticipate any trouble, but it would less of a concern if there was an eight foot fence. He said that it hard to understand that barbed wire, 8 foot fencing was allowed at the Charger Court Lift Station, which is also in a residential area and then questioning it for the Evergreen Lift Station and he commented that the Village budget will not allow for brick walls either.

Mr. Bastian said that he has been working with Mr. York on this and he indicated last week that Public Works would be willing to drop the barbed wire component of the request and he suggested that the request was made at this time to avoid having to come back in the future if there was a problem with vandalism. He said that the petitioner has agreed to forego the barbed wire request, so he asked the Plan Commission to refer to the other cases that were allowed eight foot fences.

Commissioner Christopher asked if there are back-up generators or back-up power and it was determined that there is not. He is the height of the electric cabinet and was told it is 5 feet tall. Commissioner Christopher asked that if these two cabinets go down, how much damage would be done and it was said that it could easily be hundreds of thousands of dollars, he added that, in his opinion a six foot fence with a single strand alarm wire would be adequate protection and not be an eyesore to the residents.

Commissioner Smoot said asked what the projected cost of the project to fence it in and Mr. York replied that the project has not gone out to bid yet.

Chairman Michaelsen said that Commissioner Christopher brought up a good point suggesting a wire type of alarm system on an 8 foot fence. He said that a couple of eight foot fences have been approved with barbed wire, but he had not driven around to see what they look like. Chairman Michaelsen said that an 8 foot fence is pretty tall and would probably stop the average teenager, and he would be opposed to giving the option of putting it on after there has been some kind of damage. He said that he would be ok with an eight foot fence, but suggested that this could be continued to determine a different method for security. Chairman Michaelsen suggested that Commissioners be polled to determine the Ayes and Nays in regard to allowing just an 8 foot fence.

Mr. Bastian said that the Commissioners should definitely try to come up with an answer tonight and he appreciates everyone's comments and the idea of polling the Commission is a good one. He said that this is not Let's Make A Deal, and restated that he is not sure why we were willing to approve an 8 foot tall fence with barbed wire at the Charger Court Lift Station and not be willing to do it here. Several members said that they made a mistake in 2007 and others were not on the Commission at that time. Mr. Bastian agreed with the comments, and stated that the Board at that time felt compelled for the same sorts of reasons to approve that sort of a fence. Polling the Commission to come up with a decision that everyone can live is the way to go. The Commissioners responses were:

Commissioner Petella = 8 foot fence, no barbed wire, Commissioner Spink = fence lower than 8 feet, Commissioner Smoot=no fence, no barbed wire, Chairman Michaelson said that there has to be a fence to protect the property of the Village of Carol Stream, we need a fence. Commissioner Smoot said that the Public Works Department does not own the Village of Carol Stream, the citizens own the Public Works Department, the citizens own the Village of Carol Stream, now if the citizens have any respect for what they've got, they're not going to vandalize it. Chairman Michaelson addressed Commissioner Smoot, saying that there are a lot of people in this world that have no respect and accountability, that's why there are fences, that's why there are locks on buildings. In looking at the big picture, the area needs to be fenced, either 8 foot or 7 foot or 6 foot. Commissioner Smoot said that you say we need fences, but he does not see where we really need it. Looking at what they are building, it's all under lock and key already, so what are they going to do, spray graffiti on the thing, yes, they might. Chairman Michaelson said that what the fence really does is protect, so the average person does notCommissioner Smoot said that he would probably go along with what Commissioner Spink said, a lower fence than 8 foot. Commissioner Christopher asked Mr. York if an 8 foot fence work for Public Works, with an alarm on the top. Mr. York said that since he is not aware of that type of technology and if it would work with the alarm technology incorporated into the electric panel boxes currently, and he does not have the final say as to what is acceptable or not. Commissioner Christopher asked if a six foot fence with no alarm behind all of the new screening, would work. Mr. York said he wouldn't know if it would work and in a perfect world we would not have a need for a fence. Commissioner Christopher said that he would agree with a six foot fence. Commissioner McNally said that he would agree to a six foot fence, which would look better from an aesthetic standpoint in a residential neighborhood. He said that if the wire alarm system will not work with the electrical system, then Public Works should come back and say it won't work and ask for a 7 or 8 foot fence, but forget about the barbed wire. Mr. York said that he would like to remove the request for the barbed wire from consideration since it seems to be clouding the issue. He said that they would still request an 8 foot fence since the electrical panel would be approximately a foot from the fence and with a six foot fence someone could easily leap up onto and over the top of the fence and it would not be much of a drop onto the panel and then onto the ground, whereas with an 8 foot fence, the leap from the top fence would be more of a challenge. Mr. York said that if someone with a baseball bat got over the fence and bashed in the electrical panel, it would require portable pumps to be installed in a minimum amount of time so that residents in the area do not have raw sewage backing up into their basements. He added that if the Commission does not want barbed wire, they will respect that decision but he strongly urged the Commissioners to approve an 8 foot fence.

Commissioner Petella asked if there were any other possibilities for protecting this area, such as lighting or motion detectors, anything that doesn't make the area look like a prison. He said that he viewed the site and there are houses all around it and he would hate to have to live around there with a fence topped with barbed wire next door or across the street. Mr. York said that we could look at placing more lighting but with sensors the problem can be when animals/pets set the lights off and calls are made by the neighbors to turn out the lights. Mr. York added that while they do not foresee any problems, an 8 foot fence gives more security against having any such problems. Mr. York said that if this Board will not approve an 8 foot fence than Public Works will have to research different requests and maybe go with a 7 foot fence, or maybe a wood fence, but earlier there were problems with a wood fence, and we definitely cannot afford a brick wall.

Mr. Bastian said that he has been working with Mr. York on this matter and he indicated last week that they would be willing to drop the barbed wire component of the request. Mr. Bastian suggested that PW could make the request at this time in order not to have to come back in the future if there was a problem with vandalism. He said he was hoping to avoid another six weeks of process for a fence variation in the event that vandalism did

occur following the completion of the project. Mr. Bastian asked the Commissioners to consider that withdrawal and to refer back to past cases in four years where 8 foot tall chain link fences have been approved at other facilities.

Commissioner Christopher asked if there are any back-up generators or back-up power at this location and he was answered no. The next question was what is the height of the electrical panel and Mr. York said that he believes that it is about 5 feet tall. Commissioner Christopher asked how much damage is done if the two pumps go down and it was stated that it could be hundreds of thousands of dollars. He said that he would advise putting in a six foot fence on a 6' 6" post, no barbed wire but with a single strand alarm wire hooked to the other alarm system, and you don't have an eyesore.

Commissioner Smoot asked what the projected costs are for putting up the fence as suggested and Mr. York said that the fence part of the project has not yet gone out to bid. Chairman Michaelsen said that Commissioner Christopher brought up a good point of using an alarm wire on a shorter fence. He said that there has been approval of 8 foot fences with barbed wire and that he did not go to see what they look like, but an eight-foot fence is pretty tall. He said that he would be opposed to granting the option to add it to the top of the fence if there is any sort of damage.

Resident Cathy Redmond said that she would agree with an 8 foot fence with no barbed wire.

Chairman Michaelsen called for a motion to approve, deny or continue this case. The petitioner has requested an eight foot fence and he has withdrawn the request for barbed wire on top of the fence.

Commissioner McNally moved and Commissioner Petella made the second to continue this matter to allow Public Works to do research on a six foot fence with an alarm wire. The results of the roll call vote were:

Ayes:	6	Commissioners Petella, McNally, Christopher, Smoot, Spink and Michaelsen
Nays:	0	

Commissioner Spink moved and Commissioner Christopher made the second to close the Public Hearing. The results of the roll call vote were:

Ayes:	6	Commissioners Petella, McNally, Christopher, Smoot, Spink and Michaelsen
Nays:	0	

New Business:

Mr. Bastian stated that there are no petitions ready for public hearing at the June 22, 2009 Meeting and suggested that the Commissioners cancel that meeting. Commissioner McNally moved and Commissioner Spink made the second to cancel the June 22nd meeting due to no cases being ready for hearing. The results of the roll call vote were:

Ayes:	6	Commissioners Petella, McNally, Christopher, Smoot, Spink and Michaelsen
Nays:	0	

At 9:10 p.m. Commissioner Christopher moved and Commissioner Petella made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD