

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

March 19, 2012

Mayor Pro Tem Matt McCarthy called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Beth Melody to call the roll.

Present: Mayor Frank Saverino, Sr. and Trustees Mary Frusolone, Tony Manzzullo, Don Weiss, Greg Schwarze, Matt McCarthy & Pam Fenner

Absent:

Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Village Attorney Jim Rhodes, Assistant Village Attorney Jason Guisinger & Village Clerk Beth Melody

Mayor Frank Saverino, Sr. led those in attendance in the pledge of allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Weiss made the second to approve the Minutes of the March 5, 2012 Village Board Meeting. The results of the roll call vote were as follows:

Ayes:	5	Trustees Frusolone, Manzzullo, Weiss, Schwarze & McCarthy
Nays :	0	
Abstain	1	Trustee Fenner

Trustee Frusolone moved and Trustee Schwarze made the second to approve and not release the Minutes of the March 5, 2012 Executive Session Meeting. The results of the roll call vote were as follows:

Ayes:	5	Trustees Frusolone, Manzzullo, Weiss, Schwarze & McCarthy
Nays :	0	
Abstain	1	Trustee Fenner

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Resolution No. 2579, Commending Gary Havlick on Twenty One Years of Service with the Village of Carol Stream:

A resolution was read by Mayor Saverino recognizing Public Works employee Gary Havlick for twenty-one years of service in the Carol Stream Public Works. Trustee McCarthy moved and Trustee Fenner made the second to approve Resolution No. 2579, commending Gary Havlick on twenty one years of service with the Village of Carol Stream. The results of the roll call vote were as follows:

Ayes: 6 Trustees Frusolone, Manzzullo, Weiss, Schwarze,
McCarthy & Fenner

Nays : 0

Resolution No. 2580, Honoring the 3rd Place IHSA Bartlett High School Lady Hawks Girls' Basketball Team:

Resolution read by Trustee McCarthy. Trustee Schwarze moved and Trustee Frusolone made the second to approve Resolution No. 2580, honoring the 3rd place IHSA Bartlett High School Lady Hawks girl's basketball team. The results of the roll call vote were as follows:

Ayes: 6 Trustees Frusolone, Manzzullo, Weiss, Schwarze,
McCarthy & Fenner

Nays : 0

Proclamation Designating March 19th-March 25th as Flood Safety Awareness Week: *Proclamation read by Trustee Frusolone.*

Proclamation in Support of 2012 Earth Hour on Saturday, March 31st: *Proclamation read by Trustee Schwarze.*

CONSENT AGENDA:

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

Ayes: 6 Trustees Frusolone, Manzzullo, Weiss, Schwarze,
McCarthy & Fenner

Nays : 0

Trustee Fenner moved and Trustee McCarthy made the second to place the following items on the Consent Agenda established for this meeting.

The results of the roll call vote were as follows:

Ayes: 6 Trustees Frusolone, Manzzullo, Weiss, Schwarze,
McCarthy & Fenner

Nays : 0

1. Award of Contract – Hoving Clean Sweep, LLC - Street Sweeping Services.
2. Award of Contract to Tri-R Systems, Inc. in the amount of \$168,650 for the design and installation of a SCADA system in accordance with their proposal dated February 27, 2012.
3. Salt Purchase - Winter 2012-13.
4. Kuhn Road Bike Trail – A. Lamp Request to Crush Concrete on WRC Property.
5. Pond Shoreline and Wetland Maintenance for FY2013, Recommendation to Waive Bids and Award Contract.

The Village Board approved the Engineering staff recommendation that the bid process be waived and the 2012-2013 Pond Shoreline and Wetland Maintenance Contract be awarded to Bedrock Earthscapes, LLC in the amount of \$23,410.00.

Ordinance No. 2012-03-08, Amending Chapter 11, Article 2 of the Carol Stream Code of Ordinances by Increasing the Number of Class C Liquor Licenses from 19 to 20 (Eagle FSE Inc. d/b/a/ Eagle Wine and Liquor, 167-169 Schmale Road):

The Village Board approved Ordinance No. 2012-03-08, amending Chapter 11, Article 2 of the Carol Stream Code of Ordinances by increasing the number of Class C liquor licenses from 19 to 20 (Eagle FSE Inc. d/b/a/ Eagle Wine and Liquor, 167-169 Schmale Road).

Raffle License Application – Carol Stream 4th of July Parade Committee:

The Village Board approved the Carol Stream 4th of July Parade Committee raffle license request, waiver of fee and manager's fidelity bond in connection with a raffle drawing to be held at Culvers on July 31, 2012.

Regular Bills and Addendum Warrant of Bills:

The Village Board approved the payment of the Regular Bills dated March 19, 2012 in the amount of \$338,408.09. The Village Board approved the payment of the Addendum Warrant of Bills from March 6 – March 19, 2012 in the amount of \$701,861.44.

Non-Consent Agenda Items:

Wheaton College – 570 S. Gary Avenue Special Use – Amendments & Request for zoning approvals for improvements to the baseball facilities at the American Legion property:

Manager Breinig reviewed a list of four changes that had been suggested since the Plan Commission meeting on this matter which he had been asked to read:

- 1. That the baseball facilities shall only be used by Wheaton College, the American Legion, or for other youth-oriented athletic events as approved by Wheaton College, and that the facility shall not be rented or leased for use by adult teams or groups. The change from baseball to athletic uses was to allow intermittent use by the College for soccer practice or other athletic activities and was requested by the College.*
- 2. That the baseball facilities shall only be used for athletic events, and that any other use shall require approval by the Village Board. Any used other non-athletic use such as concerts would require Village Board but not Plan Commission approval.*
- 3. That the baseball facilities shall not be used for night activity, meaning that the lights shall not be used, on more 15 days per month year round and for not more than seven consecutive nights.*
- 4. That no alcoholic beverages shall be sold at the concessions building or served at the stadium. This provision was requested by the legion. Any liquor sold would be licensed by the Village similar to a special events license similar to the Village four day festival and one day religious events.*

Mr. Rick Campbell, President of the Mission Court Homeowners Association (MCHOA) spoke on behalf of the Association residents. He stated they are not against the baseball field but feel the intensity of use is too great. They are concerned about the "other stuff" planned for the field such as soccer and other

events. They feel the use of the field and amount of night time games is excessive. They are worried about the long-term, excessive use of the field over the next 50 years. They are worried about people trespassing on their property, safety and privacy issues and the overall impact on their properties by increasing the intensity of use of the baseball field property.

Mr. Jim Kindler, 180 Mission Ct. and MCHOA Board member expressed concerns about lights after the game and noise levels of fans and car horns after the game. He stated they are not opposed to the field but rather its expansion and not knowing how far it will go. He felt a "no" vote tonight is appropriate.

Ms. Dawn Johnson, 1N165 Mission Ct., lives near the center of the soccer field. She stated the use has changed from a baseball field to a stadium venue. She commended the Wheaton Park District and Wheaton College for their maintenance of the facilities but feels noise levels are a concern and will be excessive.

Mr. Scott Hargadon, Attorney representing Wheaton College stated that light and noise levels are in line with allowable levels. He stated that the College is making a sizeable investment in the baseball field and a 50 year lease agreement with the American Legion is necessary to allow them to receive a payback on their investment. He stated he expects that the terms and conditions approved at the beginning of the lease will be those in effect at the end of the lease.

Mr. Bruce Koeningsberg, Wheaton College Architect stated they would like unrestricted use of the ball field but have agreed to reduce usage of the field from 100% to 50% (15 nights/month) whereas the MCHOA wishes to reduce it further to 30%. He stated the College has made significant concessions on many of the issues including lighting at reduced levels for non-NCAA games and a PA system designed to limit noise levels along the property line and limit use of the PA system from 10:00 a.m. and 10:00 p.m. The College has stipulated that visiting team busses would be required to park at Wheaton College. He stated that all of the objections have come from Winfield residents and none from Carol Stream residents.

Trustee McCarthy asked whether there are lights at the soccer field and whether games are only played during the day. Mr. Koeningsberg stated there are no lights and no intention of installing lights for night play at the soccer field. Trustee McCarthy inquired whether the soccer field parking area could be temporarily closed to parking for baseball events during evening hours. Mr. Koeningsberg stated this could be done but the College has already stipulated they would not be using the soccer field area for parking. Manager Breinig stated he would like input from the American Legion on this topic and since some of the Legion games may go into the evening hours due to delayed or late start times. Trustee McCarthy stated the College is trying to be a good neighbor and he appreciates that the College is trying to work with the HOA to resolve their issues.

Trustee Fenner stated that she resents the implication that because these residents (Winfield residents) are not Carol Stream residents that the Village Board would take their concerns any less than if they were Carol Stream residents. However, she stated the College's use is valid, they have followed all Village requirements and they are working with the residents to the best of their ability. She feels the College will provide a valuable contribution to the Village but wanted to put the College on notice that she did not appreciate what was said.

Trustee Weiss thanked all parties involved for working together to resolve the issues. He asked for clarification on the use of the baseball facility for athletic events versus baseball events. Dr. Paul Chelsen, Vice President for Student Development, who supervises athletics, stated the College currently has no plans to use the field for anything other than baseball. Trustee Weiss stated the residents cannot get all of the concessions they want but the College has moved on many of the issues of concern. The College would be required to come back to the Village Board for any changes in use beyond what is agreed upon.

Trustee Schwarze stated he understands the concerns of the residents of Mission Ct. and that he has been in their shoes. He questioned if the concerns regarding traffic and noise will actually be problems or are they "what if" concerns that may never happen. He feels Wheaton College has addressed most of the resident concerns. He recognized that the fear of the concerns is real but questioned whether they will really happen.

Trustee Frusolone asked the HOA whether they have approached the Village of Winfield about their parking concerns and perhaps implementing a parking permit system on their streets. Mr. Campbell stated they have spoken to Winfield Village President Birutis. It has been suggested that "no parking on baseball game night" signs be installed but they felt it would hurt property values. Mr. Campbell stated they have been living with traffic issues from the ball field property and their concerns are real. He stated the College has great intentions but they cannot control what their fans do.

Trustee Frusolone asked who coordinates the schedules of the different groups using the fields (soccer, baseball & special events). Mr. Robert McNees, Attorney representing the American Legion stated the Legion has and will continue to coordinate activities of the various organizations that use their property. Trustee Frusolone stated the residents are concerned that there maybe more conflicts due to the larger and better venue. Mr. McNees stated Wheaton College hopes the baseball field will be used more frequently after it is improved because under NCAA rules the College cannot currently use the field.

Trustee Manzzullo stated the residents are concerned about the "L" shaped fence along the property boundary. Mr. Hargadon stated the College offered the HOA \$10,000 to improve the fence along the property line. Trustee Manzzullo asked if the College would be willing to close off the soccer field parking area for night games. Manager Breinig questioned whether the Legion holds any non-baseball or soccer events that would force patrons to park on Mission Ct. because they do not have access to parking on Legion property. Mr. McNees expressed a similar concern about closing off parking at the soccer field. Manager Breinig suggested there maybe other alternatives to provide screening to the residents of Mission Ct. from car headlights such as a landscape buffer or board on board fencing.

Mr. Kindler stated the Mission Ct. home-owners were asked what type of fence they would prefer in their back yards and each one said they would prefer a fence similar to the one at the baseball field (an aluminum fence painted black and warranted for the term of the lease). The residents are concerned about use of the detention pond by soccer match attendees. He stated again that not one of the residents is against the new baseball field but rather the intensity of its use.

Nays : 0

Approval of Settlement Agreement – Hunter Gilmore Matter:

Trustee Don Weiss requested this item be removed from the consent agenda to allow the Village Manager to explain the agreement. Manager Breinig stated former Police Commander Hunter Gilmore had left the Village as a deferred pensioner to take a police chief position in Darien, Wisconsin. The Village believed Officer Gilmore was not a retiree under the provisions of the Village personnel rules. He disputed the Village decision. The matter involved a unique provision in state statute that allows police officers to have status as a deferred pensioner if they have the requisite 20 years of service but lack the required 50 years of age to be considered a retiree. The dispute primarily concerned a personnel manual provision regarding payout of unused sick leave at "retirement", language that has since been cleaned-up. The agreement will settle the dispute and bring the matter to closure. Trustee Weiss stated that the settlement is avoid future costs of litigation and to relieve both parties of future liability on this matter.

Trustee Fenner made the motion to approve the settlement agreement with Hunter Gilmore. The motion was seconded by Trustee Schwarze. The results of the roll call vote were as follows:

Ayes: 5 Trustees Frusolone, Manzzullo, Schwarze, McCarthy & Fenner

Nays : 1 Trustee Weiss

Report of Officers:

Trustee Frusolone stated that the Aldrin Center no longer exists at Armstrong Park as it was demolished. She reminded parents that the area is an active construction zone and to remind their children to be careful when going to Armstrong Park. She reminded motorists that with the warm weather to be careful of children playing or walking near streets. Finally, she reminded residents to be prepared for emergencies as we enter the rainy season and increased potential for flooding.

Trustee Manzzullo wished Mr. Havlick the best of luck and for sitting through the long Board meeting. He thanked the residents of Mission Court for their input on the ball field issue, the Plan Commission and staff for doing a lot of work on this issue. He wished his grandmother a Happy 85th Birthday. He asked everyone to pray for our troops.

Trustee Fenner reminded everyone to vote tomorrow.

Trustee Weiss stated he had a discussion with County Board Chairman Dan Cronin about their review of the various boards and commissions in the County.

Trustee Schwarze stated a proclamation in support of earth hour on March 31 was read this evening and encouraged everyone to turn off all non-essential lights and appliances from 8:30 p.m. – 9:30 p.m. on that day to help the environment. He reminded everyone to shop Carol Stream.

Manager Breinig stated that for the past 10 years it has been his pleasure to work with Gary Havlick. He complimented the Community Development Department staff and, in particular, Bob Glee and Don Bastian for their handling of the baseball field case. He felt it was fair to everyone. The public hearing for adoption of the budget will be held on April 2, 2012. On April 21, 2012 the Village and Park District will be hosting a joint Earth Day and recycling event at the Town Center.

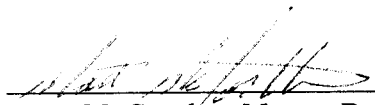
Mayor Saverino thanked Bob Glee and Don Bastian for the work they do and for helping people to get over the humps. He felt the baseball field case was handled fairly. He wished Gary Havlick the best in his retirement and that he will be missed by the Village. He thanked Trustee McCarthy for filling in for him and for attending the DARWE graduation in his absence.

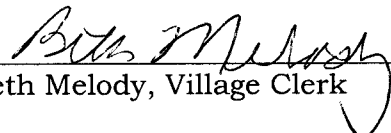
At 10:18 p.m. Trustee McCarthy moved and Trustee Weiss made the second to adjourn the meeting to Executive Session to discuss Section 2.C.1 of the Open Meetings Act (OMA) for salary schedules for one or more classes of employees; Section 2.C.2 of the OMA for collective negotiating matters and; Section 2.C.11 of the OMA for pending litigation. No action will be taken by the Village Board after Executive Session and the meeting will be adjourned from Executive Session. The results of the roll call vote were as follows:

Ayes: 6 Trustees Frusolone, Manzullo, Weiss, Schwarze, McCarthy & Fenner

Nays : 0

FOR THE BOARD OF TRUSTEES


Matt McCarthy, Mayor Pro Tem


Beth Melody, Village Clerk

Minutes approved by the President and Board of Trustees on this

2nd day of April, 2012.


Village Clerk