

**MINUTES OF THE REGULAR MEETING OF THE  
NEW LENOX BOARD OF TRUSTEES**

**New Lenox Village Hall  
1 Veterans Parkway, New Lenox, Illinois  
Monday, April 9, 2012**

**#12-07**

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:02p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

**ROLL CALL**

Upon Roll Call by the Village Clerk, the following members of the corporate authorities answered "Here" or "Present":

Trustees Madsen, Bowden, Butterfield, Tuminello, Dye and Mayor Baldermann

Absent: Trustee Smith (arrived at 7:40p.m.)

**QUORUM**

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

**OTHER OFFICIALS IN ATTENDANCE**

Also in attendance were Village Administrator Kurt Carroll, Finance Director Kim Auchstetter, Village Clerk Laura Ruhl, Planning & Development Director Robin Ellis, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ken Brozovich, Economic Development Director Nancy Hoehn, Director of Operations Ron Sly, Assistant to the Administrator Carol Hennessy and Attorney Chris Spesia

**Mayor Baldermann asked the Board, Staff and public to join him in a moment of silence to honor Attorney Andy Dystrup.**

**ROB NINKOVICH DAY - APRIL 9, 2012**

Mayor Baldermann honored Rob Ninkovich for his many accomplishments in football and as a New Lenox citizen. Mayor Baldermann presented Mr. Ninkovich with a proclamation.

Mr. Ninkovich addressed the Board talking about his career and thanking New Lenox for all their support.

**PUBLIC HEARING – 2012-2013 ANNUAL COMPREHENSIVE BUDGET**

Mayor Baldermann opened the Public Hearing at 7:13 p.m. Ms. Ruhl provided proof of notice.

Ms. Auchstetter stated before the Village Board is the resolution approving the 2012-2013 Annual Budget. She informed that nothing had changed with the budget since the Work Session meeting.

Mayor Baldermann closed the Public Hearing at 7:14.

**CONSENT AGENDA**

Motion to approve CONSENT AGENDA #12-07 was made by Trustee Dye and seconded by Trustee Butterfield.

Items up for approval at this time are as follows:

- A - Minutes of Regular Meeting – February 27, 2012
- B - Ordinance #2246 Amending Title 78 of Municipal Code-Fair Market Value
- C - Surety Reduction-Taylor Glen Unit 2
- D - Request for Temporary Sign-Cub Scout Pack 49
- E - Surety Reduction-Sanctuary Pointe
- F - Consideration for Approval of an Ordinance #2247 Creating Class TE Liquor License- Providence Catholic High School
- G - Consideration for Approval of an Ordinance #2248 Creating Class TE Liquor License-New Lenox Public Library
- H - Request for Waiver of Resolution #98-13 – Sky Harbor Single Family
- I - Request for Temporary Signs-New Lenox PTO – 5K Run/Walk
- J - Surety Reduction – Kurtz Memorial Chapel
- K - Surety Release – Kurtz Memorial Chapel (Landscaping)

Upon roll call, the vote was:

<b>AYES:</b>	<b><u>6</u></b>	Trustees Butterfield, Madsen, Dye Bowden, Tuminello and Mayor Baldermann
<b>ABSTAIN:</b>	<b><u>1</u></b>	Trustee Tuminello – <b>Item A</b>
<b>NAYS:</b>	<b><u>0</u></b>	
<b>ABSENT:</b>	<b><u>1</u></b>	Trustee Smith

The motion carried.

## **ORDER OF BUSINESS**

**Mayor Baldermann asked the Board to move item #7B up on the agenda.**

### **Consideration of an Ordinance Granting Special Use for Final P.U.D. – Portillo’s – 1<sup>st</sup> Read**

Ms. Ellis reported on the Final P.U.D. Plat for Portillo’s Restaurant which will be constructed on Lot-5 in front of the Target/Lowes. She stated two primary reasons this is coming to the Board as a P.U.D. has to do with the modification of the berm along the west property line towards the southern portion of the property, and the signage. Ms. Ellis reported that the number of parking spaces does comply with the Village code. She noted that Staff is still working through some engineering and landscaping comments but anticipate them to be resolved before the next Village Board meeting where Staff hopes to present this ordinance for approval. Ms. Ellis went on to discuss the berm that would be tapered down on the southern portion of the property. She said a fence would be installed along the entire west perimeter where it’s adjacent to the Wellington Townhomes and one existing single-family residence. Ms. Ellis presented the landscape plan to the Board. She informed there were be portions where there will be a retaining wall with the fence installed on top. She said the Village will ensure the grading between the residential and the commercial is verified so there is at least six feet of effective screening. Ms. Ellis presented a rendering of the building. She said it’s a new prototype for the Portillo’s restaurant chain. She informed that plans in the Trustee packets show a sign on the west elevation but at the last Plan Commission meeting Portillo’s agreed to remove the sign because it would not typically allowed by the Zoning Ordinance. She reported another deviation has to do with the pre-cast wall panels. Ms. Ellis reported that the menu-board sign and the monument sign both comply with the Village code. She stated the Plan Commission held a Public Hearing on the P.U.D. and recommended approval.

Mayor Baldermann asked if anyone from the audience wanted to speak on this matter.

#### **Helen Martin, 2300 E. Lincoln Highway**

Ms. Martin asked why she wasn’t notified when Portillo’s wanted to buy their lot. She also asked who would be maintaining the fence and retaining wall and if they would have to go on her property. Ms. Martin had concerns about the lighting for the parking lot. She expressed concerns with water on the Ryan property. Ms. Martin asked if she could have a set of the plans for her sons to review.

Mayor Baldermann thanked Ms. Martin for her comments. He said his understanding of the situation was the Martin Family sold this property to Mr. Voss many years ago. He explained in 2002 there was a rezoning of the property and at no time did Ms. Martin object to any of the commercial zoning. Mayor Baldermann stated that he has record of

the letters that were sent and signs were posted for the rezoning. He noted that in the ten years this property has been commercial no one has ever been notified that Ms. Martin had any issues. He said the issues with Engineering will be taken care of. Mayor Baldermann told Ms. Martin that the Board and Staff will work with her on any issues she may have.

Trustee Butterfield noted that there was another property that was allowed an 8' fence. He asked if this would help in this instance, just on the west side of the property.

Administrator Carroll informed that Portillo's has offered to install an 8' fence.

Trustee Tuminello noted that he would like to make sure the parking lot lights will be full cut off which will eliminate issues with the lighting. He said the second item he would like to see is the bottom of the fence along the drive –thru lane be elevated.

Trustee Bowden asked if there was a decision on what kind of fencing.

Ms. Ellis answered that the fencing would possibly be cedar which is similar to what is already there.

Trustee Bowden asked about the maintenance of the fencing.

Ms. Ellis explained that the fence would have to be set back far enough in that the installation and maintenance could be done without having to get easements.

Trustee Bowden commented that the Mayor and Village Board have always been sensitive to lighting issues.

Leonard Caria, 2126 Wellington Court

Mr. Caria reported that representatives of the Wellington Court Homeowners Association attended the Plan Commission meeting and was satisfied with the plans for Portillo's.

Mr. Portillo told Ms. Martin that he will address any concerns she might have. He told her that Portillo's is going to be the best neighbor they can be. He added that Portillo's is not a franchise and that his name is on the business and it's his passion. Mr. Portillo stated that he is very excited and honored to come to New Lenox. He said he will work with the Village with any concerns of the neighbors of the restaurant.

Mayor Baldermann thanked Mr. Portillo for his comments.

**Consideration for Approval of a Resolution #12-14 Authorizing the Execution of Economic Incentive Agreement – Portillo's**

No comments or questions.

Motion to approve the Resolution was made by Trustee Bowden and seconded by Trustee Dye

Upon roll call, the vote was:

**AYES:**                    6                    Trustees Tuminello, Butterfield, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                1                    Trustee Smith

The motion carried.

**Trustee Smith joined the Village Board Meeting at 7:40p.m.**

**Consideration for Approval of a Request for Extension of Time to Pay Fees and Execute Final P.U.D. Plat - Carrie Oaks – Mary Martino**

Ms. Ellis reported that Ms. Martino, Trustee of the property, is requesting a one year extension to pay the fees and have the final P.U.D. plat executed. Ms. Ellis noted that Staff has no objection to a one year extension.

Motion to grant the extension was made by Trustee Tuminello and seconded by Trustee Bowden

Upon roll call, the vote was:

**AYES:**                    6                    Trustees Tuminello, Butterfield, Bowden, Madsen,  
Dye and Mayor Baldermann

**NAYS:**                    0

**ABSTAIN:**                1                    Trustee Smith

**ABSENT:**                0

The motion carried.

**Consideration of an Ordinance Authorizing Amendment to Annexation Agreement – Calistoga – Bill Bolker – 1<sup>st</sup> Read**

**Consideration of an Ordinance Granting Special Use for Preliminary P.U.D. Plat – Lenox Place – Bill Bolker – 1<sup>st</sup> Read**

Ms. Ellis gave a brief history on the 3-acre site.

Ms. Ellis reported that at the March meeting Staff had a lot of comments about the annexation agreement; there was some discussion about the impact fees and waiving or not waiving the transportation fee. She went on to say over the last month Staff and the Village Attorney have worked with Mr. Bolker on cleaning up some of the language in the agreement. Ms. Ellis said included in packet is the revised agreement and draft ordinance listing conditions for approval of the P.U.D. for first read.

Ms. Ellis noted that one question that was presented was P.U.D. versus rezoning. She stated in this instance the Village doesn't have a multi-family zoning district that would have accommodated this size building. She said the most permissive multi-family district had a cap of eight to twelve units per building. Ms. Ellis stated that another reason is through the P.U.D. process the underline zoning would remain C-3 if this building does not get built, for lack of Board approval or funding, the lot will remain commercial as opposed to a residential use with no approved plan.

Mayor Baldermann added that the petitioner is reluctant to zone the property residential in case the Board does not approve it or if the funding isn't granted.

Mr. Bolker addressed the Board saying he did agree in the annexation agreement that he would record a covenant that would guarantee that all residents in building would be 62 years of age and older.

Mayor Baldermann explained to the audience that there would be no vote tonight on this issue and asked the audience to address the Board if they had something new to add.

Art Dykstra, Trinity Services

Mr. Dykstra addressed the Board saying they support senior housing.

Gail Truitt – 1985 Edgview Drive

Mr. Truitt asked who will be running Lenox Place. He also had a few questions regarding the annexation agreement.

Robert Buonadonna, 791 Wildwood Drive

Mr. Buonadonna stated that Mr. Bolker plans on having a cafeteria with a full-service kitchen on the lower level as well as a health club. He thinks there won't be enough residents to support the cafeteria.

Mr. Bolker responded the informal kitchen will not be for selling food, it is for parties and other functions.

Mayor Baldermann noted that Mr. Bolker brought an attorney to speak on this matter if needed.

Allen Majia, 1997 Edgview Drive

Mr. Majia thanked the Board for approving Portillo's. He asked if the residents would be allowed to speak one more time before the Board votes on this project.

Mayor Baldermann answered that the next time this item comes back before the Board they would be the vote unless there are a lot of comments and questions which could bring the item back for first read again.

Norma Cason, 2049 Water Chase Drive

Ms. Casem said her and the neighbors are frustrated because they don't know what they are looking at. She feels they are not informed.

Mayor Baldermann addresses the audience saying there is a lot of miss information being put on blogs that are false. He stated that you can believe what comes from the Village Board and Staff members. Mayor Baldermann said the Board allowed the residents to speak first because he and the Board care about New Lenox residents and want to hear all of their comments.

Mayor Baldermann praised Ms. Ellis for her efforts to keep the residents informed. He stated he wanted the residents to speak before the Board speaks so they can hear the concerns of the residents.

Mark Leja, 2126 Edgeview Drive

Mr. Leja addressed the Board discussing the Illinois Tort Immunity Act.

**Trustee Comments**

Trustee Smith stated that he would like to review the annexation agreement once again. He said he has concerns with the building. He commented that New Lenox does need adult housing but there isn't much to do in the proposed area. He discussed issues with busing. Trustee Smith also stated that he would like to see more screening.

Trustee Bowden stated she's very comfortable with the type of housing and lifestyle that Mr. Bolker is proposing. She expressed her concerns with the size and location of the project.

Mayor Baldermann concluded that the he and the Village Board have unanimously supported a tax credited senior housing project in this community. He said the Board has a very good understanding and have been very supportive of a diverse housing stock. We want to have a place for our senior citizens to live. He said there are concerns the Board has that are being discussed with the Village Staff. Mayor Baldermann discussed opening the annexation agreement, saying Staff will get the agreement to the Board for review and will come back to the Village Board for first read and discussion. Mayor Baldermann wrapped up the discussion by telling Mr. Bolker he has been a very good builder and citizen in New Lenox.

**Consideration for Approval of Resolution #12-15 Amending FY 2011-2012 Annual Comprehensive Budget**

Motion to adopt the Resolution was made by Trustee Butterfield and seconded by Trustee Madsen

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration of Approval of Resolution #12-16 Amending FY 2012 – 2013 Annual Comprehensive Budget**

Motion to adopt Resolution was made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of Annual Telephone Maintenance Contract**

Ms. Hennessey reported that Staff recommends entering into a one year Comprehensive Extended Maintenance Agreement with Andromeda Technology Solutions for the amount of \$3,713.00.

Trustee Bowden stated that she knew that Staff was having some issues with the phone and were they able to address these issues.

Mr. Carroll answered that once moving to Andromeda the issues will be easier to handle and will also train our Staff.

Motion to approve the contract was made by Trustee Butterfield and seconded by Trustee Dye

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of Engineering Contract – Rt. 30 Sidewalk – HR Green**

Administrator Carroll reported this proposal is from HR Green to do the design work of a sidewalk on the north side of Route 30 from the corner of Cedar and Route 30 to the new WalMart Development. This is recommended by the Streets & Drainage Committee and will be funded through a grant.

Trustee Smith asked Staff if this is just for the design and to make sure that HR Green actually walks the proposed site.

Trustee Tuminello explained that HR Green did go out to the site and actually confirmed with IDOT that the additional drawings were going to be needed as well.

Motion to approve the contract was made by Trustee Tuminello and seconded by Trustee Bowden

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration for Approval of Contract for Joliet Highway & Schoolhouse Road – Traffic Management USA**

Administrator Carroll explained this item has come out of the Streets & Drainage Committee. This is part of the approved budget and also a grant will pay for this project. He stated at the corner of Joliet Highway and Schoolhouse Road there have been some traffic issues for a number of years. Traffic Management USA is proposing to put down a material called Safety Grip that would be installed at each of the four legs of the intersection and will reduce the safety problems that have occurred at the intersection.

Trustee Smith asked if there will be any noise or rumble strips.

Trustee Tuminello stated this is basically an epoxy paint that gives the vehicles a little more grip.

Motion to approve the contract was made by Trustee Tuminello and seconded by Trustee Bowden

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

**Consideration of an Ordinance Amending Chapter 90 – 170 of Municipal Code – Commuter Parking Lot – 1<sup>st</sup> Read**

Administrator Carroll reported this proposed ordinance has gone through the Commuter Parking Lot Committee, Finance Committee and Metra. He explained that over the last few years our cost to maintain the commuter lot has gone up and there is a reduction in riders. Therefore, this ordinance will raise the parking fee from \$1.00 to \$1.25. The additional revenue will cover the maintenance cost. He added that Village Staff will also be upgrading our maintenance of the parking lot, day to day cleaning.

Mayor Baldermann noted that if the ridership does not pick up there could be another increase next year.

Administrator Carroll stated that hopefully that won't be the case. We are hoping there is an increase in ridership and we will be able to maintain the parking lot using our own Staff which will be more cost effective. Unfortunately, with the cut backs we didn't have

the man-power to do this in the past. He added that we are looking into a token program that is being utilized by some of our neighboring communities. This is proposed to start May 1<sup>st</sup>.

Mayor Baldermann stated the Village Board wants to keep the cost down but if the ridership doesn't increase due to the economy it would be inevitable that the fees would go to \$1.50.

Trustee Dye reminded there are security cameras in the parking lot.

Administrator Carroll requested to waive 2<sup>nd</sup> read and adopt the ordinance to get the signs posted.

Motion to waive 2<sup>nd</sup> Read was made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote the motion carried.

Motion to approve the ordinance and start the \$.25 increase on May 1, 2012 was made by Trustee Bowden and seconded by Trustee Dye

Upon roll call, the vote was:

**AYES:**                 6                 Trustees Tuminello, Butterfield, Smith, Dye  
Bowden and Mayor Baldermann

**NAYS:**                 0

**ABSTAIN:**            1                 Trustee Madsen (employed by Metra)

**ABSENT:**             0

The motion carried.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**MAYOR**

Mayor Baldermann reported that April 27<sup>th</sup> is the last day to get the Triple Play Concert Series and Sara Evans at the discounted price.

Mayor Baldermann reported that in the entire Chicagoland housing market New Lenox ranked 13<sup>th</sup> for housing starts. He said New Lenox is doing very well with the residential market.

**VILLAGE ATTORNEY**

No report

**VILLAGE ADMINISTRATOR**

No report

**PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve bi-monthly disbursements in the amount of \$549,342.05. In addition approval is needed for bi-weekly payroll in the amount of \$286,400.23 as well as a monthly payroll with the total amount of \$6,100 both paid on April 5, 2012.

Trustee Madsen seconded the motion.

No comments or questions from the Board

Upon roll call, the vote was:

**AYES:**                    7                    Trustees Tuminello, Dye, Butterfield, Smith  
Bowden, Madsen, and Mayor Baldermann

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

**QUESTIONS AND/OR COMMENTS FROM THE FLOOR**

Sally Wirt, asked if it was possible to have a monthly pass for the commuter parking lot.

Administrator Carroll answered that Trustee Dye had brought that to the Board but Metra is reluctant to do this and that Metra is trying to do away with this program in all their parking lots.

Mayor Baldermann stated that this will be looked into.

Ms. Wirt asked if the Comprehensive Plan is at the library.

Ms. Wirt was told there is a Comprehensive Plan at the library.

**TRUSTEE COMMENTS**

**Trustee Smith**

Nothing further.

**Trustee Bowden**

Trustee Bowden reminded local business to get a hold of Carol Hennessy if they would like to participate in the upcoming French Market.

**Trustee Dye**

Trustee Dye commented on the polite and gracious Mr. Portillo was.

**Trustee Butterfield**

Trustee Butterfield stated that people don't realize what goes on behind the scenes with Staff and different committees. They work on projects for weeks before it comes to the Village Board.

**Trustee Madsen**

Nothing further.

**Trustee Tuminello**

Trustee Tuminello stated that Mr. Dystrup will be missed.

Trustee Tuminello stated that prayers go out to the Schuman Family who lost a son.

Mayor Baldermann reminded that June 24<sup>th</sup> the community can come together and remember the students we've lost. He said more information will be given closer to the date.

**EXECUTIVE SESSION**

Motion to adjourn to Executive Session made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

**AYES:**                 7                 Trustees Tuminello, Butterfield, Smith, Dye, Bowden, Madsen, and Mayor Baldermann

**NAYS:**                 0

**ABSENT:**             0

The motion carried.

The Board adjourned to Executive Session at 8:48 p.m.

**Reconvene**

All Board members present before Executive Session were in attendance upon the Board meeting reconvening at 9:13p.m.

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on April 9, 2012 adjourned at 9:13 p.m.

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Laura Ruhl, Village Clerk

APPROVED