

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

**New Lenox Village Hall
1 Veterans Parkway, New Lenox, Illinois
Monday, June 11, 2012**

#12-11

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:03p.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, Dye, Smith, Butterfield, Bowden and Mayor Baldermann

Absent: Trustee Tuminello

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, Village Clerk Laura Ruhl, Planning & Development Director Robin Ellis, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ken Brozovich, Village Engineer Will Nash, Economic Development Director Nancy Hoehn, Director of Operations Ron Sly, Assistant to the Administrator Carol Hennessy and Village Attorney Marty Shanahan

PUBLIC HEARING – Annexation Agreement – 1105 East Haven Avenue/Kubusak

Mayor Baldermann opened the PUBLIC HEARING at 7:04p.m. Ms. Ruhl provided proof of notice and swore in the petitioner and interested parties.

Ms. Ellis reported this public hearing involves the annexation and rezoning of the property at the NE corner of Rt. 30 and Pleasant Street which is currently a vacant building previously used for medical offices. She stated they are requesting to zone the property C-3. Ms. Ellis noted as a result of the Rt. 30 widening this property is losing the bulk of their parking. The idea is the property, in conjunction with the residential and

possible commercial structure could be assembled and redeveloped as one larger parcel. She said what the owner is asking rather than make investments in adding parking at this time for a building that may be torn down; the Board gave consideration to leaving it as is with the understanding that the building could not be occupied until the parking has been provided according to the zoning ordinance. Ms. Ellis discussed some building code violations that will be attached to the annexation agreement with the requirement that if the building stays they will have to be addressed before the building could be occupied. She addressed one other issue having to do with requiring improvements on Pleasant Street.

Mr. Wennlund addressed the Board regarding the Pleasant Street improvements.

Trustee Smith commented that he would like to see as many road improvements as normally are.

Mr. Wennlund discussed the proposed plans for the property.

Trustee Dye requested the debris to be cleaned up on the property.

Mr. Wennlund stated that the debris is a result of the Rt. 30 construction but the owner will take care of the issue.

Mayor Baldermann closed the PUBLIC HEARING at 7:12 p.m.

CONSENT AGENDA

Motion to approve 12 items on Consent Agenda #12-11 as presented in packet was made by Trustee Butterfield and seconded by Trustee Dye

Items up for approval:

- A - Minutes of Regular Meeting – April 9, 202
- B - Ordinance #2257 Rezoning Property – 17725 South Gougar Road – 2nd Read
- C - Ordinance #2258 Granting Variance – 17725 South Gougar Road – 2nd Read
- D - Ordinance #2259 Rezoning Property – Gougar Road & Ferro Drive/Providence – 2nd Read
- E - Surety Reduction – Sky Harbor Commercial - Schoolhouse Road Improvements
- F - Surety Reduction – Sky Harbor Multi-Family – Schoolhouse Road
- G - Surety Release – Sky Harbor Sewer & Water Expansion
- H - Surety Release – Physicians Immediate
- I - Ordinance #2260 Authorizing the Sale by Public Auction of Personal Property Owned by the Village of New Lenox
- J - Equipment Purchase – Public Works
- K - Request for Temporary Signs, Waiver of fees, and Other Municipal Services – Proud American Days – New Lenox Community Park District
- L - Ordinance #2261 Amending Chapter 90 of Village Code – Vehicle Seizure and Impoundment

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of an Ordinance #2262 Creating Class TE Liquor License – Proud American Days – New Lenox Park District

Motion to approve the Ordinance Creating Class TE Liquor License was made by Trustee Smith and seconded by Trustee Dye

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Mayor Baldermann explained to the audience that a letter was received, after the agenda packet had been assembled, from Mr. Bolker requesting to pull items 6G and 6H off from the agenda but he wishes to address the Board. Mayor Baldermann explained there will be no Board action on these items.

Mayor Baldermann asked the Village Board move Item 6E

Consideration for Approval of an Ordinance #2264 Opting In/Out – Video Gaming Devices – 2nd Read

Mayor Baldermann explained that currently New Lenox is an opt-out community. New Lenox has had an anti-gambling ordinance for many years but wanted to take a definitive stand with the new legislation.

Mayor Baldermann opened up the floor for comments.

James Turnbull, representing the American Legion Post #1977
Mr. Turnbull spoke in favor of video gaming.

Edward Cadella, representing the VFW Post #9545
Mr. Cadella spoke in favor of video gaming

James Potter, representing the White Horse Inn
Mr. Potter spoke in favor of video gaming

Teresa Szybowicz
Ms. Szybowicz spoke in favor of video gaming.

Aija Bjorklund representing United Methodist Church
Ms. Bjorklund spoke against video gaming.

Trustee Smith commented that he was torn on this issue, he can see both sides.

Trustee Bowden stated her biggest concern is the instability of the state legislature, a lot of empty promises therefore she can't support it.

Trustee Butterfield stated that he is for video gaming. It is the choice and risk of the business owners.

Trustee Madsen stated he is for the video gaming because he doesn't want to see the VFW and American Legion hurt financially.

Trustee Dye stated the Board has done a lot to work with the businesses in New Lenox and only wants the best for the community.

Mayor Baldermann made final comments about the state and gaming board.

For the record Trustee Tuminello who was absent asked Mayor Baldermann to voice that he is opposed to video gaming.

Motion to approve the Ordinance to Opt-Out of Video Gaming was made by Trustee Bowden and seconded by Trustee Dye

Upon roll call, the vote was:

AYES:	<u>3</u>	Trustees Bowden, Dye, and Mayor Baldermann
NAYS:	<u>2</u>	Trustees Butterfield and Madsen
ABSTAIN:	<u>1</u>	Trustee Smith

ABSENT: 1 Trustee Tuminello

The motion carried.

Mayor Baldermann left the Village Board meeting at 7:47p.m. At that time Mayor Pro-Tem Dye led the meeting.

Consideration for Approval of a Request for Extension of Time to Submit Fees and Execute Final P.U.D. Plat – Corinthian Way – Lloyd Bisbing

Ms. Ellis reported that this was originally approved as a duplex development. She said over the past few years this has been extended several times because of the economy. Ms. Ellis reported that the current request is a 12 month extension to pay the tap-on fees, the balance of the engineering fees, submit the letter of credit as well as a one year extension on the approved construction schedule. She added with the condition that the tap-on fees would be paid at the rate in effect at such time as the development does move forward.

No comments or questions from the Board

Motion to approve the extension was made by Trustee Smith and seconded by Trustee Butterfield. Upon voice vote, the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

Consideration of an Ordinance Rezoning Property – 17951 South Gougar Road – 1st Keith Chellino – 1st Read.

Ms. Ellis reported this involves just less than three acres of land along the east side of Gougar Road currently zoned agricultural which under the zoning ordinance could be a buildable lot. She stated in this instance because of the width of the lot and requirement to provide 50 foot sideyard setbacks it makes it difficult to build a house. Ms. Ellis stated the request is to rezone the property to E-Estate District. She concluded it does comply with the Comprehensive Plan and the Plan Commission is also recommending approval.

No comments or questions from the Board.

This first read ordinance will come back for second read.

Consideration of an Ordinance #2263 Granting Variance – Trinity Services 13318 East Lincoln Highway – 1st Read – Brian Rigsby

Ms. Ellis reported that Trinity Services will be purchasing approximately a half acre from the Briarwood Office Condos for a parking lot and playground area expansion. She stated the variance request would be to waive the required perimeter landscaping. She noted the ZBA held the Public Hearing where there were no comments or objections and are recommending approval. Ms. Ellis said this ordinance does not have to come back for second read if the Board approves.

Motion to waive 2nd read was made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

Motion to approve the ordinance was made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

Consideration of an Ordinance Amending Village Code – Sandwich Panel Signs – 1st Read

Ms. Ellis reported this ordinance amends the zoning ordinance to permit the continued use of temporary sandwich panel signs for two years.

No comments or questions from the Board.

This ordinance will come back for second read at the next Village Board meeting.

Mr. Bolker sent a letter requesting items 6G and 6H be pulled from the agenda and requested to address the Board.

Mr. Bolker addressed the Board regarding Lenox Place. He discussed different businesses that do not generate sales tax that were approved by the Board. Mr. Bolker discussed the economy. He stated this property is free and clear with no mortgages. He said the State of Illinois has given them preliminary approval for Lenox Place. Mr. Bolker discussed the annexation process. He talked about transportation fees and building permit fees. Mr. Bolker stated that he has made the changes that were asked of him.

Trustee Smith noted the Village Board is not against senior housing.

Trustee Bowden stated that she supports the project, just not the location.

A brief discussion took place between the Board and Mr. Bolker regarding the location of the project.

Mayor Pro-tem Dye explained to Mr. Bolker that the Village Board is not against senior housing but the Board has to do what's right for the entire Village. She concluded that these items will be back on the agenda in two weeks.

Consideration of a Request for Amendment to Site Plan – Parkview Orthopedic

Ms. Ellis reported that Parkview Orthopedics is under construction in the Century Oaks Subdivision. She said the primary reason for the site plan amendment has to do with some changes that were made to the photometric and lighting plan. Ms. Ellis explained the revised plans are still in compliance with the Village Code, however, as the extent of the changes exceed the parameters within which Staff can administratively approve minor modifications to approved site plans she is presenting the revised plans to the Board.

No comments or questions from the Board

Motion to approve the request was made by Trustee Bowden and seconded by Trustee Butterfield. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

Consideration of Approval for a Plat of Vacation/Easement – Parkview Orthopedic

Mr. Nash explained this is an easement is to provide water service to the Parkview Orthopedic building, additionally; they need to vacate a previous easement that is no longer needed.

No comments or questions from the Board.

Motion to approve the plat of vacation and easement was made by Trustee Butterfield and seconded by Trustee Madsen. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

Consideration of an Ordinance Amending Chapter 58 of Village Code – Peddlers and Solicitors – 1st Read

Chief Sterba explained this is a language amendment to the existing ordinance that will allow the Police Department to deny a solicitors license to businesses that in the past have committed a fraud or misrepresentation in their business practice.

No comments or questions from the Board.

Motion to adopt the ordinance was made by Trustee Smith and seconded by Trustee Butterfield. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Absent

MAYOR PRO-TEM DYE

No comments

VILLAGE ATTORNEY

No comments

VILLAGE ADMINISTRATOR

No comments

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve bi-monthly disbursements in the amount of \$1,297,245.37. In addition to this disbursement approval is needed for biweekly payroll in the amount of \$307,374.39 paid on June 1, 2012.

Trustee Madsen seconded the motion.

Upon roll call, the vote was:

AYES:	<u>5</u>	Trustees Bowden, Butterfield, Smith Dye and Madsen
NAYS:	<u>0</u>	
ABSENT:	<u>2</u>	Trustee Bowden and Mayor Baldermann

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Bill Walter, 1022 Grandview Drive
Mr. Walter stated his opinion on the senior housing.

TRUSTEE COMMENTS

Trustee Tuminello
Absent

Trustee Madsen
No comments

Trustee Butterfield
No comments

Trustee Bowden
Trustee Bowden reported on the success of the French Market.

Trustee Bowden reported on the Commons Events.

Trustee Smith
Trustee Smith noted the sign for Sky Harbor needs to be maintained.

Trustee Smith discussed senior housing in New Lenox.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote the motion carried unanimously, with Mayor Baldermann and Trustee Tuminello recorded as ABSENT.

The Regular Meeting of the Village of New Lenox Board of Trustees held on June 11, 2012 adjourned at 8:24 p.m.

Laura Ruhl, Village Clerk

APPROVED