

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

**New Lenox Village Hall
1 Veterans Parkway, New Lenox, Illinois
Monday, June 25, 2012**

#12-12

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:07p.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, Tuminello, Smith, Butterfield, and Mayor Baldermann

Absent: Trustee Bowden

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, Finance Director Kim Auchstetter, 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, Assistant to the Administrator Carol Hennessy and Village Attorney Chris Spesia

CONSENT AGENDA

Motion to approve 4 items on Consent Agenda #12-12 as presented in packet was made by Trustee Madsen and seconded by Trustee Dye

Items up for approval:

- A - Minutes of Regular Meeting – April 23, 2002
- B - Ordinance #2266 Rezoning Property – 17951 S. Gougar Road – 2nd Read
- C - Ordinance #2267 Amending Village Code – Sandwich Panel Signs – 2nd Read
- D - Setting of Surety – Lincoln-Way Special Recreation Association

Upon roll call, the vote was:

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

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of Request for County Final Plat Approval – Hickory Creek Manor – Robert Hahn

Ms. Ellis reported that Hickory Creek Manor is a subdivision of three lots in the county and was before the Board last year for the rezoning and preliminary plat. The Board voted not to file any objections at that time. She stated they are now back for approval of the final plat. Ms. Ellis noted that Staff is recommending the Board not object but is asking for the counties consideration in looking into a tree survey on the buildable portions of the lot so as many trees can be saved as possible.

No comments or questions.

Motion to approve the Request for County Final Plat Approval was made by Trustee Dye and seconded by Trustee Smith. Upon voice vote, the motion carried unanimously, with Trustee Bowden recorded as ABSENT.

Consideration for Approval of a Request for Site Plan Approval – Lincoln-Way Special Recreation Association

Ms. Ellis reported a few months ago the Village Board waived the fees that would be associated with this request. She said this building is in compliance with the Building Code. She stated because this is a non-profit organization they are requesting to defer for some of the landscaping (adjacent to un-platted lots and some parking lot islands) for a year and Staff is recommending approval with it being one year after certificate of occupancy is issued. Ms. Ellis reported the building itself has a gymnasium that will be pre-cast panels but the one-story office and classroom section will be face-brick.

Trustee Dye commented that having the softball diamond is a wonderful idea.

Motion to approve the Request for Site Plan Approval – Lincoln-Way Special Recreation Association was made by Trustee Madsen and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously, with Trustee Bowden recorded as ABSENT.

Consideration of Approval for an Easement Agreement – New Lenox Park District

Mr. Nash reported this easement will be for public utilities and drainage. He added this document will also vacate a previous easement no longer needed.

No comments or questions from the Board.

Motion for Approval of an Easement Agreement – New Lenox Park District was made by Trustee Dye and seconded by Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of a Request to Open Cut Dundee Drive – Lincoln-Way Special Recreation Association

Mr. Nash reported this is a request to open cut Dundee Drive for a water service.

No comments or questions.

Motion for Approval of a Request to Open Cut Dundee Drive – Lincoln-Way Special Recreation Association was made by Trustee Tuminello and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously, with Trustee Bowden recorded as ABSENT.

Consideration of an Ordinance Granting Special Use for Automobile Driving Instruction – A-Orland Driving School – Dan O’Connell – 1st Read

Ms. Ellis reported that a few months prior the zoning ordinance was amended to allow driving schools as a special use in C-1 and C-2 Districts. She said this request is to open A-Orland Driving School in the Hickory Creek Shopping Center. She noted the parking needs, based upon the operation of the school, will be minimal and that Staff is suggesting only three vehicles be parked at one time and be open no later then 10:00p.m. Ms. Ellis stated the Plan Commission recommended approval.

Mayor Baldermann commented that this is a difficult parking lot for anyone to pull in and out of and he has concerns about beginning drivers. Mayor Baldermann asked if the beginner drivers will be leaving from the parking lot.

Ms. Ellis answered that some students will get dropped off there and some will be picked up at their homes.

No other comments or questions. This ordinance will come back to the Board for 2nd read.

Consideration of an Ordinance Authorizing Execution of Annexation Agreement, Ordinance Annexing Certain Territory, Ordinance Rezoning Newly Annexed Territory – 1105 East Haven Avenue – Kubusak – 1st Read

Ms. Ellis reported the public hearing for this property was held at that last Board meeting and at that time Staff had suggested there be some changes to the annexation agreement. She stated the Building Department had done an inspection and came up with a list of things that do not meet our current code which are now referenced in the annexation agreement. She and Staff suggested that language included in the agreement state that the building can't be occupied until those things are addressed. Ms. Ellis stated that Staff recommends the agreement require the extension of the Pleasant Street improvements to the north property line, with appropriate tapers extending north of the subject property, as well as construction of the sidewalk be constructed along Rt. 30 to the north property line at the time of the site plan approval for the redevelopment of the property. Ms. Ellis noted that the agreement could provide for the Board, at its sole discretion, to waive or reduce the required improvements in the event the redevelopment of the site would not result in increased traffic on Pleasant Street.

Mr. Wennlund stated that the petitioner is agreement with Staffs recommended changes.

No comments or questions from the Board.

Mayor Baldermann noted these ordinances will be brought back for second read.

Consideration for Approval of Agreement – Water & Sewer Rate Study – Sikich LLP

Mr. Carroll asked for Board approval to enter into an agreement with Sikich, LLP to assist in evaluating the cost of providing water and sewer services to residents under the Village's current delivery system. He explained that Sikinch,LLP will come up with a computerized financial model that will be acceptable to the Board and be easily explained to the public. He said it will also be easily amended as the costs change.

Trustee Dye asked if this model allow us to address the issue with "snow birds".

Mr. Carroll answered that a model will be provided to address that issue.

Trustee Dye asked if the impetus for this study is the increase in Chicago water rates as much as it is to make sure our water rates are easily explained.

Mr. Carroll answered a little of both. He said our goal is to make sure our expenditures are covered by our revenue.

Trustee Smith asked if anything will be done with the minimum water fee.

Mr. Carroll answered this study will give us different ways to address that issue.

Mayor Baldermann explained the minimum rate is due to infrastructure costs. He said in talking to many residents they don't mind paying for the infrastructure but they would like to see the breakdown on the bill.

Motion for Approval of Agreement – Water & Sewer Rate Study – Sikich LLP was made by Trustee Butterfield and seconded by Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried

Consideration for Approval of an Ordinance Authorizing Amendment to Annexation Agreement – Calistoga – 2nd Read

Mayor Baldermann asked the petitioner if there's anything he would like to say that has not already been said.

Mr. Bolker addressed the Board talking about businesses in town that don't generate sales tax. He discussed an article he had read in the Wall Street Journal. Mr. Bolker concluded that he is trying to do what's best for the people in town.

Mayor Baldermann explained to Mr. Bolker that Silver Cross Hospital was suppose to be retail and generate sales tax but the Board said they would fore-go the potential sales tax to bring quality health care to New Lenox residents. The Board has a history of saying the "dollar" does not come first. Mayor Baldermann stated that Mr. Bolker has made tremendous contributions to New Lenox and he is a quality developer.

No other comments or questions.

Motion to NOT approve the Ordinance Authorizing Amendment to Annexation Agreement – Calistoga – 2nd read was made by Trustee Smith and seconded by Trustee Dye

Upon roll call, the vote was:

AYES: 4 Trustees Smith, Dye, Madsen and Mayor
Baldermann

NAYS: 2 Trustees Butterfield and Tuminello

ABSENT: 1 Trustee Bowden

The motion was carried

Consideration of an Ordinance Granting Special Use for Preliminary P.U.D. Plat – Lenox Place – 2nd Read

Motion to Deny Approval of an Ordinance Granting Special Use for Preliminary P.U.D. Plat –Lenox Place – 2ns Read was made by Trustee Smith and seconded by Trustee Madsen

Upon roll call, the vote was:

AYES:	<u>4</u>	Trustees Smith, Dye, Madsen, and Mayor Baldermann
NAYS:	<u>2</u>	Trustees Butterfield and Tuminello
ABSENT:	<u>1</u>	Trustee Bowden

The motion was carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on the Country in the Commons Concert.

Mayor Baldermann discussed the balloon release that was in the Commons for remembering students that we lost.

Mayor Baldermann reported on the upcoming New Lenox Community Blood Drive.

Discussion of Committee of the Whole

Mayor Baldermann and the Village Board discussed the idea of going back to three meetings a month. Mayor Baldermann explained this meeting will be the Committee of the Whole and will give Staff ample time to discuss issues that would have normally been discussed in Committee meetings that were only 30 minutes. The Mayor and Board had a brief discussion and concurred to have the Committee of the Whole meeting on the third Monday of the month starting in September 2012.

VILLAGE ATTORNEY

No comments.

VILLAGE ADMINISTRATOR

No comments.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve bi-monthly disbursements in the amount of \$414,376.77. In addition to this disbursement approval is needed for biweekly payroll

in the amount of \$337,507.11, as well as a Village Board payroll with the total amount of \$6,375.00, both paid on June 15, 2012.

The motion was seconded by Trustee Madsen

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Bill Walter, 1022 Grandview Drive

Mr. Walter voiced his opinion on Items 6J and 6K.

TRUSTEE COMMENTS

Trustee Tuminello

Trustee Tuminello discussed the balloon release in the Commons.

Trustee Madsen

Trustee Madsen wished everyone a happy 4th of July.

Trustee Butterfield

Trustee Butterfield reported that Staff has been approached by a possible gun shop. He explained that this is being discussed in the Development & Land Use Committee. Ms. Ellis stated this shop will not necessarily sell guns, but they will clean and service guns which are not specifically addressed in the zoning ordinance. Ms. Ellis noted that she has been in contact with surrounding towns to discuss this issue. Mayor Baldermann noted that this can come to the Committee of the Whole Meeting. He added the Board is not anti-gun but that we just want to make sure the community is safe.

Trustee Dye

Trustee Dye voiced that the Mayor and the Village Board make tough decisions that people may agree or disagree with but they are empowered to make them.

Mayor Baldermann agreed that the Board works together to make the right decisions.

Trustee Bowden

Absent

Trustee Smith

Trustee Smith wished everyone a safe and happy 4th of July.

Trustee Smith stated that the Village Board works very hard together because they love the community and want what's best for it.

EXECUTIVE SESSION

Motion to adjourn to Executive Session was made by Trustee Smith and seconded by Trustee Butterfield at 7:47 pm.

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Bowden

The motion carried.

RECONVENE

Motion to recess back to Regular Session was made by Trustee Smith and seconded by Trustee Dye at 8:11 pm.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on June 25, 2012 adjourned at 8:11 p.m.

Laura Ruhl, Village Clerk