

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

**New Lenox Village Hall
1 Veterans Parkway, New Lenox, Illinois
Monday, August 27, 2012 7:00 P.M.**

#12-16

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, Dye, Smith, Bowden, Butterfield, Tuminello and Mayor Baldermann

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 the Village Clerk Laura Ruhl, Community Development Director Robin Ellis, Deputy Chief of Police April DiSandro, Building & Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Economic Director Nancy Hoehn, Public Works Ken Brozovich, Village Administrator Kurt Carroll, Finance Director Kim Auchstetter and Attorney Chris Spesia

Mayor Baldermann asked the Board to allow Deidre Dalton to speak regarding Girl Scouts

Ms. Dalton addressed the Village Board saying she is in the process of working on her "Gold Award" for Girl Scouts. She stated she is putting together an event called Childs Passion. This event will take place on September 15th at Liberty Jr. High School. Ms. Dalton went on to explain this event.

OATH OF OFFICE – Police Patrol Officer Timothy Perry

Mayor Baldermann administered the Oath of Office to our new Police Officer Timothy Perry.

Mr. Perry thanked the Mayor and Board for the opportunity to work in New Lenox.

PROCLAMATION – Constitution Week

Mayor Baldermann on behalf of the Village Board proclaimed September 17th through September 23rd, 2012 as Constitution Week.

PUBLIC HEARING – Amendment to Annexation Agreement – Heather Glen Townhomes

Public Hearing on Amendment to Annexation Agreement (Heather Glen Townhomes) to be republished for September 10th

Mayor Baldermann stated that due to the error with the legal notice this public hearing will be rescheduled for September 10, 2012.

CONSENT AGENDA

Motion to approve the 8 items on Consent Agenda #12-16 as presented in packet was made by Trustee Dye and seconded by Trustee Madsen

- A - Minutes of Regular Meeting – July 9, 2012
- B - Ordinance #2278 Authorizing Amendment to Annexation Agreement – Paradise Park - 2nd Read
- C - Ordinance #2279 Amending Special Use for Final P.U.D. Plat – Paradise Park – 2nd Read
- D - Ordinance #2280 Amending Special Use for Final P.U.D. Plat – Briarwood Office Condos – 2nd Read
- E - Surety Reduction – Silver Cross
- F - Resolution #12-26 Declaring Currently Owned Computer as Surplus and Authorizing its Disposal
- G - Authorization of Purchase – Radar Trailer/Message Board – New Lenox Police Department
- H - Authorization of Purchase – Leaf Vacuum

Upon roll call, the vote was:

| | | |
|-----------------|----------|--|
| AYES: | <u>7</u> | Trustees Bowden, Madsen, Smith, Dye, Butterfield, Tuminello and Mayor Baldermann |
| ABSTAIN: | <u>2</u> | Trustee Tuminello – Item A Trustee Butterfield – Item A |
| NAYS: | <u>0</u> | |
| ABSENT: | <u>0</u> | |

The motion carried.

ORDER OF BUSINESS

Consideration of an Ordinance Granting Special Use for Car Wash – Fullers – 1st Read

Ms. Ellis reported this site is located at the northeast corner of Lincoln Way Drive and Rt.30, immediately west of Lincoln Way High School. She presented a proposed site plan. She stated the western part of the site is a detention facility with the car wash

facility on the eastern portion and in the middle of the site is undeveloped land which could be developed in the future. Ms. Ellis noted they will have one monument sign as well as a menu board sign. She said the Plan Commission and Staff recommended approval. Ms. Ellis added that Staff is still working through some engineering issues as well as the landscape plan is still under review. She stated this will come back for second read once all of the issues have been resolved.

Mr. Kalishefski of Corporate Design & Development Group, LLC briefly went over the design of the new building.

Trustee Dye stated she was glad she wouldn't have to drive to the Mokena Fullers to have her car washed.

Trustee Smith asked if they knew what would be built on the undeveloped portion of the site.

Mr. Kalishefski answered anything that would be complimentary to the car wash.

Trustee Smith asked Ms. Ellis if there was language in the ordinance regarding the sidewalk.

Ms. Ellis noted this request.

Mr. Kalishefski noted that sidewalks are in the future plan if needed.

No other comments or questions.

Discussion of Sign Variance – Provena Healing Arts Pavilion

Ms. Ellis reported that representatives of Provena had filed an application for a variance for replacement of the monument sign that is currently along Rt. 30 with an electronic message sign. Per the zoning ordinance these signs are allowed for public or religious uses and also the Hospital District. She noted the subject property is zoned C-2. Ms. Ellis reported because Provena doesn't meet the definition of either of those uses the electronic message sign would not be permitted. She stated the ZBA held a public hearing where there were no negative comments from the public but looking at the strict criteria set forth in state statute and Village code they would have to meet before a variance could be justified. Ms. Ellis said Staff and the ZBA are not recommending approval of the variance. Ms. Ellis went over the criteria for electronic message signs.

Amy Stevens, Chief Operating Officer for Provena St. Joseph Medical Center, addressed the Board stating she is seeking a sign variance for the Healing Arts Pavilion saying this is the largest off site campus of Provena St. Joseph Medical Center. She went on to explain why this sign is important to the Healing Arts Pavilion and to the community.

At this time the Mayor and Trustees had a discussion on possibly amending the Zoning Ordinance. They all agreed not to allow these signs in a residential area and to make sure the signs are maintained properly. The consensus of the Mayor and the Board was to allow message center signs but they must be approved by the Board. Mayor Baldermann

stated that this issue would be on the agenda for the next Council of the Whole Meeting for further discussion.

Consideration for Approval to Reallocate Funds for Tree Removal and Replacement

Mayor Baldermann reported Staff is looking to move \$50,000 from the MFT program. \$13,000 for the 50/50 tree program and \$37,000 for tree replacement from the ash borer.

Motion to reallocate funds was made by Trustee Tuminello and seconded by Trustee Bowden.

Upon roll call, the vote was:

| | | |
|----------------|----------|--|
| AYES: | <u>7</u> | Trustees Bowden, Madsen, Smith, Dye, Butterfield, Tuminello and Mayor Baldermann |
| NAYS: | <u>0</u> | |
| ABSENT: | <u>0</u> | |

The motion carried.

Consideration for Approval of a Resolution #-12-27 Authorizing the Execution of an Agreement with FGM Architects, Inc. – Police Station

Mayor Baldermann explained that the Board interviewed architectural firms for the new Police Station. He stated that they selected FGM Architects, Inc.

Trustee Smith asked who is responsible if FGM Architects goes over their budget.

Mr. Carroll stated there's a portion of the agreement that states that FGM Architects would be restricted to the \$9.5 million but if they exceeded this amount they would have to come back to Staff and the Board with a design to bring the amount back to the \$9.5 million.

No other comments or questions.

Motion to approve the resolution was made by Trustee Smith and seconded by Trustee Bowden

Upon roll call, the vote was:

| | | |
|----------------|----------|--|
| AYES: | <u>7</u> | Trustees Bowden, Madsen, Smith, Dye, Butterfield, Tuminello and Mayor Baldermann |
| NAYS: | <u>0</u> | |
| ABSENT: | <u>0</u> | |

The motion carried.

Consideration for Approval of a Resolution #12-28 Authorizing the Execution of a Proposal from Northern Builders – Public Works Facility

Mayor Baldermann explained this item is not the contract; this is just the authorization of the proposal. He said ultimately we are going to be drawing up the construction management contract so it will have to meet with our approval. If for some reason we can't come to an agreement on the contract, we are able to walk away from the deal.

Attorney Spesia agreed saying this language is in the resolution. He said this resolution does not contain all the essential terms of the contract. There will be a land contract for the purchase of the property and a construction contract for the building.

Mayor Baldermann stated that there was conversation regarding the hiring of a consultant to work on the Village's behalf, someone that will work with staff through the process to serve as a consultant and look out for our best interest.

Brad Wood, Northern Builders, stated he is looking forward to working with the Village on the construction of the Public Works Building. He added they have an understanding of what the Villages requirements are.

Trustee Smith asked Attorney Spesia if this resolution is going to bypass what it says in a letter of intent.

Attorney Spesia answered the resolution is your authority.

Trustee Smith said we are signing a letter of intent.

Attorney Spesia said you are signing the letter of intent subject to what's in the resolution.

Trustee Smith asked if the resolution will supersede the letter of intent in a court of law.

Attorney Spesia said this resolution is your authority which has conditions that addressed some concerns that were brought up whether it's binding.

Mayor Baldermann said the resolution is part and parcel of the letter of intent.

Trustee Smith asked, we won't get sued if we sign a letter of intent?

Attorney Spesia answered that he can never promise the Village won't get sued.

Mr. Wood stated this is letter of intent is in good faith and in the spirit of moving forward. He said the proposal expiration states neither party shall be bound to this transaction unless and until both parties execute a final contract.

Trustee Smith stated he has constraints with the way the proposal is written. He went on to talk about the specs and how they are not in the proposal. He requested the Village hire a consultant that will watch out for our best interest.

Mayor Baldermann said we have the authority to hire a consultant. He said on the record this issue has been discussed with Mr. Wood and Northern Builders.

Attorney Spesia agreed.

Mayor Baldermann said that when he and Trustee Smith had spoken he had understood that at contract time it's important that the specs are included.

Trustee Smith stated that the first letter of intent from five months ago is not much different than the current one. Trustee Smith said we are spending \$8.5 million dollars of not our money, and he's not getting a clear consent of what we are getting. He said with FGM he knows how much money will be spent and what we will get for it. He went on to say, when it's not his money he is more conservative with it.

Mayor Baldermann said the whole Board is conservative.

Trustee Tuminello asked the Attorney, can we approve the resolution with the caveat that the Village hires a consultant.

Trustee Butterfield agreed with Trustee Tuminello to approve the resolution with the caveat to hire a consultant.

Mayor Baldermann said we have to approve of the design; Northern Builders can't just go out and build what they want. The contract will show that we have the ultimate approval of the design. He went on to say we have added a lot into the letter of intent to look for some of these safeguards that will be in the contract.

Trustee Smith stated besides the resolution from the original March letter of intent, not a lot has changed with their specifications besides the stuff that we've added and is quasi attached.

Mayor Baldermann noted the specs are attached. He concluded by saying, if we can't agree on the contract, we walk.

Trustee Smith said if council agrees that we can walk away from the letter of intent, then we can move on to the contract.

Mayor Baldermann stated that Trustee Smith's points were well taken.

Mr. Carroll said it's not uncommon for a public entity to have a consultant represent them.

Mayor Baldermann commented that we might want a consultant to represent us for the new Police Station. It's nice to have another set of eyes.

No other comments or questions.

ABSENT: 0

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Bill Walter, 1022 Grandview Drive, asked the Board to keep the VFW in mind when discussing the message center signs at the next Council of the Whole Meeting.

Mr. Walter asked where the new Public Works Building will be built.

Mayor Baldermann informed him that the building will be off of Gougar Road south of Northern Builders.

Gary Suggett, 1275 Jenni Drive, commented on the sign ordinance. He would like to see signs everywhere in New Lenox.

TRUSTEE COMMENTS

Trustee Tuminello

Trustee Tuminello congratulated Ms. Auchstetter for her appointment.

Trustee Tuminello asked residents to keep an eye out for the busses.

Trustee Madsen

Have a safe Labor Day.

Trustee Butterfield

Asked Mr. Nash to update the residents regarding the Silent Crossings.

Mr. Nash reported the equipment is on order and the intent is to start September 5th. He went on to say there will be about a week to 10 days of actual construction. There has to be a Notice of Establishment to the FRA who will have a month long period to check on the crossings. He concluded by saying he would check on the dates but they should be done by the beginning of November.

Trustee Dye

Trustee Dye commented on how nice the Ladies Night Out at the Commons was.

Trustee Dye reported that the right turn lane is in at Gougar Road and Rt. 30.

Trustee Bowden

Trustee Bowden reported on the success of the Ladies Night Out in the Commons.

Trustee Bowden reported on the upcoming French Market.

Trustee Smith

Trustee Smith commented on the success of the Ladies Night Out in the Commons.

Trustee Smith stated have a safe Labor Day.

EXECUTIVE SESSION

None.

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 August 27, 2012 Adjourned at 8:23p.m.

Laura Ruhl, Village Clerk

APPROVED