

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

**New Lenox Village Hall  
1 Veterans Parkway, New Lenox, Illinois  
Monday, September 26, 2011**

**#11-24**

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:00 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

Cub Scout Pack #49 led the Pledge of Allegiance

**ROLL CALL**

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

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

Absent: Trustee Butterfield joined the meeting at 7:45p.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 Ron Sly, Village Engineer Will Nash, Economic Development Director Nancy Hoehn, Assistant to the Administrator Carol Hennessy and Attorney Chris Spesia

Mayor Baldermann presented a proclamation to the 2010/2011 New Lenox Lightning 10U fast pitch softball team.

**CONSENT AGENDA**

Trustee Smith requested that item C on the Consent Agenda be pulled and discussed separately.

Mayor Baldermann stated before the Consent Agenda items would be voted on he would like to open the floor to residents in the audience that requested to speak before the Board.

Robert Buonadonna, 791 Wildwood Drive, addressed the Board saying he does not understand the utility tax. He asked if the tax would be 10% on both gas and electric.

Mayor Baldermann answered it is a total of 10%, 5% on each. He said for an average resident it would be approximately \$110.00 a year.

Mr. Buonadonna explained he has been in the retail business his whole life. He said these taxes mostly hurt the poor and middle class. He said big chain stores can't raise their prices so they cut part-time hours. He asked if it is necessary at this point of time to build a new Police Station. Mr. Buonadonna stated there is a 9.9% unemployment rate and a lot of people are over their heads.

Phil Adair addressed the Board saying he has been a resident of the New Lenox Township for 40 years. He said he is asking the Board to vote no to the proposed sales tax increase. He stated he feels the Village is asking the township residents to support the sales tax increase and turn around and give a tax rebate to the citizens of the Village. Mr. Adair said he thinks the Village should spell out to the residents what their intentions are and tell them how much the cost will be and that their utility tax is going to increase. He added when the community grows and the sales tax revenues increase then rebate their property taxes.

Mr. Morasco addressed the Board saying he's outraged that the Village would enter into a contract with a former employee of the Village of Shorewood who lives out of state. He stated he is an international businessman and this would not be tolerated in the private industry. He said the Village made a mistake and should terminate the employee immediately and hire someone close to the community. Mr. Morasco said he will be back and continue to hound the Board on this particular issue until she is removed.

Mayor Baldermann explained to Mr. Morasco that he will not continue to hound the Board on this issue in this forum. He said that he and the Board were elected to represent the people of this community and to make decisions. He stated that he and the Board do not make knee jerk decisions and that every important decision is made with the resident's best interest at heart. Mayor Baldermann said that he and the Board have the utmost confidence in their decision to hire Ms. Hoehn. He added that the Board has been applauded by the people in retail development, commercial development and residential development who know Ms. Hoehn and her track record. Mayor Baldermann stated he and the Board have the utmost confidence in Ms. Hoehn and their decision.

April Valy, 125 W. Fourth Avenue, stated she had concerns regarding the hiring of Ms. Hoehn. She asked if a major Fortune-500 company requested a last minute meeting will Ms. Hoehn be immediately available.

Mayor Baldermann responded that large corporations do not schedule last minute meetings. Meetings of importance are scheduled weeks in advance. Our new Economic Development Directors schedule will be flexible to allow her to attend these important meetings. Mayor Baldermann added that the Village Board thoroughly reviewed this option and is very comfortable with this set up.

Ms. Valy asked why this job was not publically posted.

Mayor Baldermann responded that the Village was fortunate in recruiting Ms. Hoehn. He stated that he and the Board knew she was the most qualified for this position. He explained her prior community was similar in size and characteristics to New Lenox and the Board felt that they did not want to waste other perspective employee's time and effort knowing that Ms. Hoehn was very qualified.

Ms. Valy questioned Ms. Hoehn's traveling expenses.

Mayor Baldermann responded that Ms. Hoehn has her own vehicle so she won't have a car allowance and Ms. Hoehn also has a home here so she won't have a lodging allowance.

Trustee Dye stated that the Board spent time reviewing the contract and came away with a feeling of confidence. She added that she has spoken with representatives of Kohl's and they know Nancy on a first name basis which is very important to our furthering development.

Motion to approve 11 items A,B,D,E,F,G,H,I,J,K and L on Consent Agenda #11-24 as presented in packet was made by Trustee Smith and seconded by Trustee Dye

Items up for approval:

- A - An Ordinance #2198 Authorizing the Sale by Public Auction of Personal Property Owned by the Village of New Lenox – 2<sup>nd</sup> Read
- B - An Ordinance #2199 Amending Village Code – Temporary Promotional Banners – 2<sup>nd</sup> Read
- D - An Ordinance #2200 Amending Ordinance #2011 - Ordinance Authorizing and Imposing a Home Rule Municipal Retailer's Occupation Tax and a Home Rule Municipal Service Occupation Tax – 2<sup>nd</sup> Read
- E - An Ordinance #2201 Adding Article III, Municipal Electric Use Tax to Chapter 82 – Taxation of the Municipal Code of New Lenox – 2<sup>nd</sup> Read
- F - Resolution #11-24 Approving the Municipal Gas Use Tax Collection Agreement
- G - An Ordinance #2202 Adding Article IV, Municipal Gas Use Tax to Chapter 82 – Taxation of the Municipal Code of New Lenox – 2<sup>nd</sup> Read
- H - An Ordinance #2203 Deleting Annual Village Licenses for Vehicles, and Dogs and Cats, of the Municipal Code – 2<sup>nd</sup> Read
- I - Request for Temporary Signs – Annual Pancake Breakfast – United Methodist Church

- J - Surety Reduction – Crystal Cove – Unit 1
- K - Surety Reduction – Crystal Cove – Unit 2
- L - Surety Release – New Lenox Town Center Off-Site Improvements – Menards/Williams Street

Upon roll call, the vote was:

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

**ABSTAIN:**                **0**

**NAYS:**                    **0**

**ABSENT:**                **1**                    Trustee Butterfield

The motion carried.

C - Resolution #11-23 for Intended Use of Proposed Revenues

Trustee Smith stated this Resolution explains to future Boards what the intent is for utilizing the funds from the utility tax and the half cent home rule sales tax.

Motion to approve item C on Consent Agenda #11-24 as presented in packet was made by Trustee Smith and seconded by Trustee Bowden

Upon roll call, the vote was:

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

**ABSTAIN:**                **0**

**NAYS:**                    **0**

**ABSENT:**                **1**                    Trustee Butterfield

The motion carried.

## **ORDER OF BUSINESS**

### **Consideration of a Request for County Special Use – 133 Schoolhouse Road – Dan Stinnett**

Ms. Ellis explained that this is being brought to the Board because of a county code violation. She explained that under the counties zoning ordinance a community use center requires a special use permit. She stated the Plan Commission reviewed the request and recommended the Village not object to the request. She added that Staff would like to see the main parking striped and also provided with adequate lighting.

Trustee Madsen stated he would like to see adequate lighting in the parking lot.

Mr. Stinnett addressed the Board saying the striping for the parking lot will be taken care of. He added that he believes there is plenty of lighting and that there have been no issues to speak of but he would talk to the building owner.

Mayor Baldermann stated that the motion will include that the parking lot be striped.

Motion to not object based on the one issue with the striping was made by Trustee Dye and seconded by Trustee Smith

Upon voice vote the motion carried:

### **Consideration of a Request for County Special Use – 110 and 200 Ford Drive – Ken Carlson**

Ms. Ellis reported that back in June this request was before the Board for county special uses for an existing contractor yard and a caretaker residence. She stated as they moved through the county zoning application process the county notified them that they need an additional special use for bus, RV, and truck repair businesses. She stated this is back before the Board for consideration of the additional special use. Ms. Ellis stated the Staff and the Plan Commission recommended the Village Board not object subject to the same conditions that were requested earlier.

No comments or questions from the Board

Motion to not object was made by Trustee Bowden and seconded by Trustee Tuminello

Upon voice vote the motion carried:

**Trustee Butterfield joined the meeting at 7:45pm**

**Consideration of a Waiver of Resolution #98-13 – Sky Harbor Townhomes – Tom Scofield**

Ms. Ellis stated this is a request to waive Resolution #98-13 to defer the installation of the landscaping of a berm that will be between the townhomes and the future single-family homes until they apply for a building permit for the next building. She said this would allow them, subject to completion of all the other public improvements, to be able to get certificates of occupancy and sell the four units that have been previously been constructed.

Trustee Dye stated at staffs recommendation they do wait to install the landscaping because it would not be in their best interest to install the landscaping too soon.

Trustee Smith asked if there is a surety.

Ms. Ellis answered yes; there is a letter of credit.

Motion to approve the ordinance was made by Trustee Bowden and seconded by Trustee Madsen

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

**Consideration of an Ordinance Amending Special Use – Kurtz Memorial Chapel – 1<sup>st</sup> Read - Consideration of an Ordinance Granting a Variance – Kurtz Memorial Chapel – 1<sup>st</sup> Read**

Ms. Ellis reported that the amendment to the special use is to amend the landscape plan that was attached to the original ordinance. She stated it called for naturalized landscaping around the detention pond but because of the prominence of the location on the corner, Kurtz desires to do a more manicured landscape. She added they are proposing a more traditional landscaping with turf grass and a reinforcement mat that would be placed three feet from the shoreline to provide additional erosion control.

Ms. Ellis stated the variance has to do with the screening that's required along the east property line which is adjacent to an unincorporated single family residence. She said there is a very large hedgerow which is located on the residential property and further to the south of the Kurtz property the resident also has a six foot fence. She stated the approved landscape plan called for a fence to be place twelve feet off of Kurtz's property

line with landscaping that would have the effect of being between the two fences, which was agreed to at that time. Ms. Ellis reported that the residential property owner has since replaced the fence that was in disrepair so now the request is to allow the existing hedgerow and fence on the residential property to basically satisfy our requirements for screening between the two properties. She stated that Staff's concern is if something happens to the fence or the hedges in the future, it shouldn't be the resident's responsibility to provide screening. Ms. Ellis explained there's a license agreement attached to the ordinance granting the special use that's between Kurtz and the adjacent property owner. Ms. Ellis concluded that before these ordinances come back to the Board for 2<sup>nd</sup> Read she would like the agreement signed by both parties.

Trustee Smith asked what the reinforcement mat for the erosion control is.

Mr. Steven Francis, Lindengroup Architects, explained once the ordinance is approved they will install the erosion control matt and cover it with sod. He stated there will be sod all the way to the water line. Mr. Francis explained this will control erosion and add some filtration to the rain water that slides down the sides of the pond.

No other comments or question, this will come back for second read.

**Consideration of an Ordinance Authorizing Execution of an Annexation Agreement – Shepherd Parcels/1109 East Haven Avenue – 1<sup>st</sup> Read**

**Consideration of an Ordinance Annexing Certain Territory - Shepherd Parcels/1109 East Haven Avenue – 1<sup>st</sup> Read**

**Consideration of an Ordinance Rezoning New Annexed Territory - Shepherd Parcels/1109 East Haven Avenue – 1<sup>st</sup> Read**

Ms. Ellis explained this was before the Board in March for the public hearing and there were really no comments from the Village Board but after the public hearing staff became aware that there were a number of existing building code violations. She stated the reason for the delay in bringing this back before the Board was to negotiate with the property owner for what changes should be made to the building, and also life safety issues that need to be addressed.

Mr. Rendleman added that there are existing building code violations that will need to be addressed for both buildings.

Mr. Wennlund, attorney for the petitioner, explained that in 2007 the Shepherd's paid the Village \$46,791.00, as their share, and granted an easement to the Village, at no cost, to extend the sewer and water line 200 feet in front of their property. He stated at that time they also signed "an intend" to annex the property. Mr. Wennlund noted there were no objectors at the Plan Commission or Village Board public hearings. Mr. Wennlund said the building has been used as a two unit dwelling for the last 40 years. He stated that after hiring a code expert, and serious consideration of trying to conform the building to two units, the owners have now decided to revert back to a one unit building. Mr. Wennlund informed that the owners have made access from the inside to the second unit and also the kitchen facilities have been eliminated. He stated the owners have made several

improvements so there are no life safety issues at all. Mr. Wennlund stated the building is occupied by a member of the Shepherd family. He said the Shepherd's will work with the new Economic Development Director to redevelop the parcel.

Trustee Dye asked Mr. Rendleman if he agreed that there are no life safety issues.

Mr. Rendleman answered that he will have to get back in the building since it's been several months since staff has been there to verify the changes.

Trustee Dye stated in Ms. Ellis' report there was mentioned of changes to the typical annexation agreement as far as three years from the date and the continuation of current uses and under the condemnation provisions that there was deviation from the standard language. Trustee Dye asked Ms. Ellis if she was satisfied with the proposed language.

Ms. Ellis answered she has no objections with the language that was crafted.

Trustee Bowden asked if buildings that have been in the community are ever any re-inspected.

Mr. Rendleman answered that once a certificate of occupancy is issued they are not re-inspected unless they do major remodeling. He stated that this particular building happened to be in violation of a county code, that's why staff got involved.

Trustee Tuminello asked if the additional tenant was the second floor tenant that moved out.

Mr. Wennlund answered; correct.

Trustee Tuminello asked Mr. Rendleman how this affects the two hour fire rating that's needed in the floor.

Mr. Rendleman answered; this will have to be looked at. He stated if there's no second floor tenant or second apartment it wouldn't be required.

Trustee Tuminello asked if there was interior and exterior access to the second floor.

Mr. Wennlund answered; yes, there is interior and exterior access to the second floor.

Mayor Baldermann stated prior to the second read of these ordinances, Mr. Rendleman and his staff can go to the property and confirm what needed to be addressed is addressed and most importantly the life safety issues are addressed.

**Consideration for Approval of a Contract for Route 6 and I-355 West Ramp/Cedar Crossings Drive Intersection Project between Zaremba and P.T. Ferro Construction Company**

Mr. Nash reported this contract is for the Rt. 6 improvements. He stated that Zaremba has complied with all the requirements in the development agreement and also attached is the agreement between Zaremba and P.T Ferro Construction to move forward with the project.

There were no comments or questions from the Board.

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

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**MAYOR**

Mayor Baldermann reported that he ran for Mayor of New Lenox because he loves New Lenox. He said the decisions are made collectively as a group and are well thought out with a tremendous amount of discussion. He added there are no back room deals. Mayor Baldermann said he will always do what is best for the town as Mayor. He thanked the Board, Staff and the community for their support.

**VILLAGE ATTORNEY**

None

**VILLAGE ADMINISTRATOR**

**Report on Open Space Fees – Robin Ellis**

Ms. Ellis stated that there had been a number of meetings between Staff and the Mayor regarding a proposal to reduce the impact fees for existing improved platted lots and existing subdivisions. She stated the Board approved the current reduction that is in effect until the end of 2011. Ms. Ellis reported that the same builders and developers have requested another meeting to see if there would be interest in extending the 50% reduction for another year. She reported that there was also a resolution that Mr. Nash had worked on regarding letters of credit reductions, which is set to expire Ms. Ellis presented an abbreviated overall impact fee study which shows what communities have

done in the past. She said there are not a lot of changes but that some communities had increased their fees. Ms. Ellis went over her study with the Mayor and Village Board.

**PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve monthly disbursements in the amount of \$1,623,170.07 in addition approval is needed for bi-weekly payrolls in the combined amount of \$906,691.64 that were paid out on August 26, 2011, September 9, 2011 and September 23, 2011 as well as monthly payroll in the amount of \$5,470.00 payable on September 9, 2011.

Trustee Madsen seconded the motion.

No comments or questions from the Board

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                0

The motion carried.

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

Bill Walter, 1026 Grandview Drive, asked when the ½ cent sales tax and the utility tax take effect.

Mayor Baldermann stated the sales tax takes effect on January 1, 2012 and the utility tax will start on November 1<sup>st</sup>.

Pam Pius, 213 Vine Street, asked about the downtown area of the Commons.

Mayor Baldermann explained that Staff is working with the property owners of the 30-acre parcel that is just west of the Commons. He stated the property owners are long standing citizens of the community and also have a vision and a deep passion for our town. Mayor Baldermann said the Commons area is where people can come and congregate and where the Board envisions our future downtown to be located. He stated it won't happen overnight but we want a master plan of the area so it can be what we feel is best for the future of the community.

Chris Graham, 404 Wildwood, discussed the Economic Development Directors travel expenses. He commented on knowing the value of being on-site when it comes to dealing

with new businesses. He stated he will have to rely on Mr. Carroll to make sure we are getting the results that the Village needs.

Mayor Baldermann stated that we are constantly evaluating our staff, regardless of their position to make sure they are providing the best services for our residents.

Richard Kavanaugh, 401 Ashley Drive, stated that he had the pleasure of working with Mr. Carroll and Ms. Hoehn in Shorewood and they have always done an outstanding and professional job.

### **TRUSTEE COMMENTS**

#### **Trustee Tuminello**

Trustee Tuminello reported that there will a New Lenox Youth Football Coaches Flag Football fundraiser on Sunday, October 9<sup>th</sup> from 11:30-3:00pm at Lincoln Way West High School.

#### **Trustee Madsen**

Trustee Madsen thanked the audience for coming to the meeting.

#### **Trustee Butterfield**

None

#### **Trustee Dye**

Trustee Dye stated she appreciates people who take the time to call the Trustees or to look on the Village's website for information.

#### **Trustee Bowden**

Trustee Bowden reported on the hiring practices. She said she feels confident in their choice with Ms. Hoehn.

Trustee Bowden reported on the French Market. She said Officer Davis will be doing children's I.D.'s the next Saturday.

#### **Trustee Smith**

Trustee Smith stated the Ms. Hoehn is worth the gamble.

Trustee Smith reported the New Lenox Police will once again start the coat drive on October 1<sup>st</sup>.

### **EXECUTIVE SESSION**

No executive session

**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 September 26, 2011 adjourned at 8:40 p.m.

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Laura Ruhl, Village Clerk