

**COUNCIL OF THE WHOLE  
AGENDA  
NEW LENOX BOARD OF TRUSTEES  
New Lenox Village Hall  
1 Veterans Parkway, New Lenox, Illinois  
Monday, November 19, 2012 7:00 P.M.**

~~#12-24~~

**CALL TO ORDER**

The Council of the Whole Meeting of the New Lenox Village Board of Trustees was called to order at 7:04p.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 Smith, Bowden, Butterfield, Tuminello and Mayor Baldermann

Absent: Trustees Madsen and Dye

**Trustee Dye joined the meeting at 7:50p.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 the Village Clerk Laura Ruhl, , Building & Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Community Development Director Robin Ellis , Public Works Director Ken Brozovich, Village Administrator Kurt Carroll, Assistant to the Administrator Kate Andris, Police Chief Bob Sterba, Director of Operations Ron Sly and Attorney Martin Shanahan

**DISCUSSION ITEMS**

**Discussion of Building Permit Fees**

Mr. Rendleman reported on the most current square foot construction cost table. He explained the cost per square foot for single family construction has increased by approximately 3% from the August 2011 table. He went on to say if the Board is in agreement with adjusting the table to the August 2012 document, he will proceed with the necessary amendments to the ordinance and have it ready for implementation on January 1<sup>st</sup>.

No comments or questions from the Board.

### **Discussion of the 2012 Energy Code Adoption**

Mr. Rendleman reported in August of 2009 Illinois formally amended the Energy Efficient Building Act and mandated the application of the 2009 IECC for all new construction in Illinois. He said part of the amendment included language that any subsequent energy code would be adopted by the state and become the new minimum standard for energy efficiency. Mr. Rendleman reported in January 2012 the ICC published the 2012 International Energy Efficiency Code (IECC) and by language in the state law would automatically become the current code. He went on to say that earlier this year a Senate Bill was approved to extend the effective date of the IECC from January 1, 2012 to January 1, 2013. Mr. Rendleman said a couple months from now this will be in effect statewide and recommended the Board formally adopt the 2012 IECC as our local code for energy efficient building. He said there are some sections that we will need to amend administratively and will report to the Board when it comes back for first read. Mr. Rendleman said whether this Code is adopted or not it will be in effect January 1, 2013 for the whole state.

Trustee Smith asked what had changed from our current standards.

Mr. Rendleman answered there are few changes in the residential code but the biggest changes are some of the R Value's for insulation. He said every house will have to be blower door tested by a third party independent, also, for commercial reroofs on flat roofs they will need 4 inches of insulation. He explained that residential foundation insulation went from R10 to R15, the walls have gone from R19 to R21, the ceilings have gone from R38 to R42. He added that some builders are already doing this testing. Mr. Rendleman added that from a performance standpoint you will save on energy.

The Board and Mr. Rendleman briefly discussed the reason for some of the changes in the code.

### **Discussion of Impact Fees**

Ms. Ellis reported that our current resolution for the payment of impact fees is set to expire December 31<sup>st</sup>. Ms. Ellis went over a table of comparisons of similar communities showing some of that some of the fees increased and some decreased. She said because the resolution is set to expire she is looking for Board direction on whether to extend the 50% reduction of impact fees for the next year. She went on to say the number of building permits increased from 63 permits to 101 as of October 31<sup>st</sup>. Ms. Ellis went over the number of vacant lots available in subdivisions.

Mayor Baldermann stated that the changes that Staff has made are a big reason New Lenox is in the top 10 of housing starts. He said Staff has worked with the builders and developers to make some changes in our policy and our process.

The Mayor and the Board concurred to keep the 50% reduction for another year.

Ms. Ellis said the resolution will come before the Board the first meeting in December.

**Mayor Baldermann asked the Board to item 4E – Discussion of Electronic Message Center Sign- up on the agenda.**

**The Board concurred.**

**Discussion of Electronic Message Center Signs**

Ms. Ellis presented the Board with a table that outlines sign ordinances in other communities. Ms. Ellis reported that in our sign ordinance there is a section for signs permitted in all districts but as it pertains to electronic message center signs, they are allowed for religious and public uses only, which she is not suggesting to change that section of the code. Ms. Ellis said there's another section in the ordinance for signs permitted in commercial and industrial districts for single use buildings, not including shopping centers or multi-use buildings, and in those cases with the exception of C1 neighborhood Shopping District suggested the electronic component of the sign be limited to 25% of the total sign area. Ms. Ellis reported the other regulations are the same except to add a restriction that no electronic message center sign shall be located less than 500 feet from another electronic message center sign.

Mayor Baldermann stated the signs should be centered. He doesn't want to see a big box store come to New Lenox and not be able to have a sign because a smaller business has an electronic message center sign that would be less than 500 feet.

Ms. Ellis suggested that C1 District not be allowed to have these signs. Ms. Ellis added that banks in the C2 District would be allowed. She went on say that shopping centers and multi-tenant commercial building only be allowed one electronic message sign and not all of the individual outlots. They can work together to advertise their sales. In conclusion Ms. Ellis stated this opens our ordinance up more then what we've allowed in the past without going to far to the extreme.

The Mayor, Village Board and Staff discussed weather or not 25% of the allowable sign area for shopping center would that be a reasonable number.

Ms. Ellis noted because this is a text amendment it requires a public hearing before the Plan Commission.

The Mayor and Board concurred with the amendments.

**Discussion of Surety**

Mr. Nash reported that there are a few subdivisions that have not been finished and don't have final asphalt surface, and have been that way for 5-7 years. He said Staff are trying to work with the developers as well as Public Works to figure out what is the best time to take over the maintenance responsibilities and how long to let the roadway sit without surface before it starts to deteriorate. Mr. Nash said the goal is to provide a new surety resolution that provides the Village with the required amount of surety that would be needed should we be required to complete the public improvements, and would allow the developer some additional capital to enable growth in the Village. He said we will go from accepting the improvements once the final surface is on, to accepting them once they are installed and having sat for two years. Subsequent to the approval of a

development by the Board, a surety is posted with the Village for all the public improvements, based on the Engineers Opinion of Probable Cost. The formula for the warranty amount is based on 10% of the original construction costs with an additional 15% contingency amount. Mr. Nash stated after all the public improvements have been complete, the two year warranty has expired, the surety has been released, and the Village takes ownership of the public improvements, builders will be required to post a \$2,000.00 construction bond per home to cover any damages to public improvements during construction of the home and ensure that the parkway trees are planted. We would hold the bond until any issues have been resolved.

Mayor Baldermann stated that our first priority is to make sure that our taxpayers aren't paying for something they shouldn't, but he understands that times are tough for the builders. He said the fact that the Board has made the changes they have, and the housing starts are going up shows that there is good cooperation between the Village and the developers.

The Mayor, Board and Staff went through the process of the formal public improvements acceptance and what the changes would be in the new resolution. They discussed who would be responsible for any damage to public improvements from the time the warranty ends on the letter of credit until the time someone starts building on the individual lot.

Mr. Carroll stated there will be a level of policing that Staff will be responsible for.

Mayor Baldermann and the Trustees agreed that there may be issues in the enforcement.

At that time Mike Flaherty, who was in the audience, expressed that he doesn't think it's fair that he maintains the public improvements until the development is built out.

Ms. Ellis said right now there is nothing that prevents the developers from putting on the final surface, and then the surety is released after 18 months. She said with this resolution we will have the \$2,000 as each home comes in for permit, so we are better off.

Mayor Baldermann stated that we have been lenient because of the times and so far it has worked for the developers and for the Village but agrees there needs to be a time limit for these improvements. He added with our new policies in place we have additional funds for right of way maintenance.

**Trustee Dye joined the meeting at 7:50p.m.**

Mayor Baldermann said that building permits are increasing and is comfortable with the changes in the resolution. The resolution still covers the Village but allows the developer to have capital to continue to move forward. He went on to say the risk is minimal compared to what the reward could be for our community.

Trustee Smith stated that he doesn't have a problem with the reduction of the letter of credit but doesn't think there should be a risk on the Village.

There was a discussion of who's going to be responsible for the public improvements.

Mayor Baldermann asked the Board for direction.

Trustee Butterfield and Trustee Tuminello said they are fine with the new resolution.

Trustee Smith said he would like to see funding source.

Mayor Baldermann said he feels the majority of the Board fees comfortable moving forward with this resolution.

**Discussion of LED Lights**

The Mayor and Board concurred that the Village will not be using LED lights at this time.

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried. The Council of the Whole Meeting of the Village of New Lenox Board of Trustees held on November 19, 2012 Adjourned at 8:18p.m.

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Laura Ruhl, Village Clerk