

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

**New Lenox Village Hall,  
One Veterans Parkway  
Monday, March 25, 2013**

**#13-08**

**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.

**ROLL CALL**

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

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

The following were 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 the Village Administrator Kurt Carroll, Village Clerk Laura Ruhl, Community Development Director Robin Ellis, Finance Director Kim Auchstetter, Village Engineer Will Nash, Attorney Chris Spesia, Police Chief Bob Sterba, Director of Operations Ron Sly, Economic Development Director Nancy Hoehn, Director of Public Works Ken Brozovich, Building and Zoning Administrator Warren Rendleman, and Assistant to the Village Administrator Kate Andris

**CONSENT AGENDA**

Motion to approve the 11 items on Consent Agenda #13-08 as presented in packet was made by Trustee Tuminello and seconded by Trustee Smith

- A - Minutes of the Regular Meeting – March 11, 2013
- B - Minutes of Council of the Whole Meeting- March 18, 2013
- C - Resolution #13-05 Releasing Certain Closed Session Minutes
- D - Request for Temporary Signs, Waiver of Fees, and Other Municipal Services- Proud American Days – New Lenox Community Park District
- E - Ordinance #2325 Amending Village Code – Wall Signs – 2<sup>nd</sup> Read

- F - Ordinance #2326 Authorizing the Sale of Personal Property Owned by the Village of New Lenox
- G - Approval of Purchase – Sewer Cleaning Equipment
- H - Approval of Purchase – Vehicle Lifts
- I - Consideration for Approval of Bid Award – Weed Cutting
- J - Consideration for Approval of Bid Award – Lawn Maintenance
- K - Raffle License – New Lenox Public Library

Upon roll call, the vote was:

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

**ABSTAIN:**           2                 Trustee Butterfield (Item A) Trustee Dye (Item B)

**NAYS:**                 0

**ABSENT:**            1                 Trustee Bowden

The motion carried.

**ORDER OF BUSINESS**

**Consideration for Approval of an Ordinance #2327 Creating Class TE Liquor License -Proud American Days – New Lenox Park District**

Mike Langlois of the New Lenox Park District gave a brief report on this year’s Proud American Days. Noting the new location is 601 Lincoln Highway which is just east of Walmart.

No comments or questions from the Board.

Motion to approve the ordinance was made by Trustee Smith and seconded by Trustee Butterfield. Upon roll call, the vote was:

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

**NAYS:**                 0

**ABSENT:**            1                 Trustee Bowden

The motion carried.

**Consideration of Approval of an Ordinance #2328 Creating Class TE Liquor License – Chasing the Sun Road Race – New Lenox Park District**

Mayor Baldermann explained the New Lenox Park District is partnering up with the Chamber of Commerce to host the Chasing the Sun Road Race to be held on June 6<sup>th</sup>.

No comments or questions from the Board

Motion to approve ordinance was made by Trustee Butterfield and seconded by Trustee Smith

Upon roll call, the vote was:

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

**NAYS:**                 0

**ABSENT:**             1                 Trustee Bowden

The motion carried.

**Consideration for Approval of a Request for Extension of Preliminary Plat – Bristol Meadows Unit 1 – Mark Kaup**

Ms. Ellis reported that Mr. Kaup is requesting a one-year extension of the preliminary plat for Bristol Meadows Unit 1 until April 11, 2014 which will coincide with the preliminary P.U.D. plat for the senior housing development.

No comments or questions from the Board

Motion to approve the request was made by Trustee Dye and seconded by Trustee Butterfield. Upon roll call, the vote was:

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

**NAYS:**                 0

**ABSENT:**             1                 Trustee Bowden

The motion carried.

**Consideration of an Ordinance Amending Special Use for Final P.U.D. Plat – New Lenox Town Center – 1<sup>st</sup> Read – John McVickers**

Ms. Ellis stated approval of this ordinance would amend the Special Use for Final P.U.D. plat for the New Lenox Town Center. She stated this would permit a further reduction to the minimum rear yard building setback for a future multi-tenant retail building to be located on Lot 14 in the New Lenox Town Center Second Re-Subdivision. Ms. Ellis explained this ordinance would reduce the rear yard setback from what are currently 37-feet to 25-feet.

Trustee Dye asked if Staff knew when these tenants can be announced.

Ms. Ellis explained that they are still in negotiations.

No other comments or questions from the Board.

**Consideration for Approval of an Ordinance Creating Class D2 Liquor License–  
Floyds Ale House**

Mayor Baldermann explained that this liquor license is for the new business that is taking over the Charley Horse. Mayor Baldermann noted that he received the background checks from the state which came back all clear. He stated that there is an issue with the current property owner/landlord owing money to the Village. He went on to say he would like these licenses to be granted contingent upon all owed monies paid to the Village first. Mayor Baldermann asked Mr. Perez and his partner to give a brief description of the new restaurant. Mayor Baldermann asked that they please be aware and considerate of the surrounding homeowners and also not allow parking in the fire lane.

No comments or questions from the Board.

Motion to approve the ordinance creating Class D2 Liquor License contingent upon all owed monies paid to the Village was made by Trustee Smith and seconded by Trustee Dye. Upon roll call, the vote was:

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

**NAYS:**                 0

**ABSENT:**             1                 Trustee Bowden

The motion carried.

**Consideration for Approval of an Ordinance Creating Class BG1 Liquor License –  
Floyds Ale House**

No comments or questions from the Board.

Motion to approve an ordinance creating Class BG1 Liquor License contingent upon all monies owed to the Village was made by Trustee Smith and seconded by Trustee Dye. Upon roll call, the vote was:

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

**NAYS:**                 0

**ABSENT:**             1                 Trustee Bowden

The motion carried.

**Consideration for Approval of Site Plan – New Lenox Town Center Lot 4-R**

Ms. Ellis reported that Lot 4 is an outlot immediately east of Culvers that borders on the right in/right out access point of the New Lenox Town Center. The proposal is unique in that the developer is presenting two different versions of a proposed multi tenant building

to be constructed. Given the current economic situation he has been trying to get all the leases in order which has to be done before financing can be approved. Both site plans are for a 13,000 square-foot building located on Lot 4-R. Plan-A depicts a mix of uses such as retail, sit down restaurant, carry out restaurant and barber/salon. Plan-B proposes a drive thru restaurant tenant at the west end of the building and other retail tenants for the remainder of the multi tenant building. Staff has reviewed both plans and they both do comply with the zoning ordinance and the site plan review requirements. Once the developer has all the tenants lined up he can proceed to building permit for the preferred option.

No comments or questions from the Board.

The motion for approval of Site Plan was made by Trustee Tuminello and seconded by Trustee Madsen. Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                1                    Trustee Bowden

The motion carried.

**Setting of Surety – New Lenox Town Center Lot 4-R**

Mr. Nash asked for approval of a Surety for New Lenox Town Center Lot 4-R in the amount of \$47,765 to assure completion of the public improvements and an expiration date of March 25, 2015.

The motion to approve was made by Trustee Butterfield and seconded by Trustee Madsen. Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                1                    Trustee Bowden

The motion carried.

**Consideration for Approval of Waiver of Site Plan Review and Impact Fees – Providence Catholic High School**

Ms. Ellis stated that Providence is in the process of submitting site plan applications to develop practice fields for their property that was just rezoned at Ferro and Gougar. At this time Providence is requesting the waiver of fees which pertain to the \$250 site plan review fee, \$1,260 for the landscape plan review and engineering review fees that would be calculated on a per hour basis.

Mayor Baldermann asked Mr. Nash if the engineering issues for this property were addressed. Mr. Nash stated that he had not heard from any of the residents and that over the course of the summer, and last fall, the school did go and clean out the ditch area.

Mayor Baldermann requested that Mr. Nash contact the residents that had complained about that area to make sure there are no issues.

No comments or questions from the Board.

The motion for approve of waiver was made by Trustee Tuminello and seconded by Trustee Smith. Upon roll call, the vote was:

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

**NAYS:**                0

**ABSENT:**            1                Trustee Bowden

The motion carried.

**Consideration for Approval of an Ordinance Amending Chapter 10, Amusements and Entertainment, Article IV, Video Gaming, of the Municipal Code – Authorizing Video Gaming for Licensed Fraternal Establishments and Licensed Veterans Establishments – 2<sup>nd</sup> Read**

No comments or questions from the Board.

The motion for approve or an ordinance was made by Trustee Madsen and seconded by Trustee Butterfield. Upon roll call, the vote was:

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

**NAYS:**                0

**ABSENT:**            1                Trustee Bowden

The motion carried.

**Consideration of an Ordinance Amending Section 18-2 of the Building Code – Plan Review Deposit – 1<sup>st</sup> Read**

Mr. Rendleman reported that this ordinance is amending the Building Code in regards to the plan review fees and deposits. He stated this ordinance does not create a new fee however, it does require the plan review fee be submitted with the building permit application. He explained that once the permit is approved, the fee will be applied to the permit cost. This ordinance will be posted on the Capital Development Board website as required by law.

No comments or questions from the Board.

## **REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

### **MAYOR**

Mayor Baldermann requested approval from the Board to reappoint Martin Nowak to the Police Pension Board.

Motion to re-appoint Mr. Nowak to the Police Pension Board was made by Trustee Smith and seconded by Trustee Butterfield. Upon voice vote, the motion carried unanimously recording Trustee Bowden as ABSENT.

Mayor Baldermann thanked staff for their participation in the Big Brother Big Sister Bowling Fund Raiser.

### **VILLAGE ATTORNEY**

No comments

### **VILLAGE ADMINISTRATOR**

The Village Clerk spoke briefly on early voting.

### **PAYROLL & DISBURSEMENTS**

Trustee made the motion to approve our bi-monthly disbursements in the amount of \$456,022.14. In addition to these disbursements approval is needed for a biweekly payroll with the amount of \$320,162.87 that was paid out March 22, 2013.

Motion was seconded by Trustee Madsen

Upon roll call, the vote was:

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

**NAYS:**            0

**ABSENT:**        1                      Trustee Bowden

The motion carried.

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

No comments from the public.

## **TRUSTEE COMMENTS**

### **Trustee Smith**

No comments

**Trustee Bowden**

ABSENT

**Trustee Dye**

Trustee Dye expressed her appreciation to all the participants of the recent St. Baldrick's Fund Raiser.

**Trustee Butterfield**

No comments

**Trustee Madsen**

Trustee Madsen wished everyone a Happy Easter.

**Trustee Tuminello**

Trustee Tuminello also showed his support for the participants of the St. Baldrick's Fund Raiser.

Trustee Tuminello encouraged residents to vote.

**EXECUTIVE SESSION**

Motion to recess into Executive Session was made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                1                    Trustees Bowden

The motion carried

**RECONVENE**

Motion to return to Regular Session was made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                1                    Trustees Bowden

The motion carried

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye. Upon voice vote, the motion carried unanimously. The Regular Meeting of the Village of New Lenox Board of Trustees held on March 25, 2013 Adjourned 7:48at p.m.

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Laura Ruhl, Village Clerk

APPROVED