

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

**New Lenox Village Hall
1 Veterans Parkway, New Lenox, Illinois
Monday, July 23, 2012 7:00 P.M.**

#12-14

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:03p.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, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Village Engineer Will Nash, Director of Operations Ron Sly, Economic Director Nancy Hoehn, Public Works Ken Brozovich, Village Administrator Kurt Carroll, and Attorney Marty Shanahan

PROCLAMATION – Accessibility Awareness Week

Mayor Baldermann on behalf of the Village Board proclaimed July 22nd – July 29th Accessibility Awareness Week.

PUBLIC HEARING – Amendment to Annexation Agreement – Paradise Park – Cass Wennlund

Mayor Baldermann opened the Public Hearing at 7:07 p.m. Ms. Ruhl provided proof of notice.

Ms. Ellis reported that a few years before the Village Board approved the Annexation Agreement and a Special Use for P.U.D. for Paradise Park Assisted Living. She said there was a condition in the P.U.D. that limited occupancy to no more than 16 people per building which is basically one person per room. Ms. Ellis stated this request is to have the flexibility to have a maximum of four rooms per building to be occupied by two people. She noted that each room is fairly small with one closet and one bathroom and are not designed for double occupancy which may cause problems in the future. She added that the parking may also be impacted. Ms. Ellis explained the purpose of the

amendment to the annexation agreement would be to see if there are other issues the Village Board would like to see amended because of the increase in occupancy. For instance, all the impact fees were calculated using our high density efficiency population projection which assumes one person per unit. Ms. Ellis asked for Board comments or questions.

Mr. Wennlund addressed the parking issue saying at this time there is only one resident that owns a vehicle. He addressed the issue of having two occupants in one room.

Trustee Smith commented that this is a big enough change that the Board should open the P.U.D.

Ms. Ellis answered the Plan Commission held the Public Hearing on the amendments to the P.U.D. which there were no members of the public that spoke against it at that time. She stated the P.U.D. will be opened.

Trustee Bowden asked what the size of the rooms are.

Ms. Ellis answered 13x13 or 14x12.

Trustee Bowden inquired about closets. She asked can we require exterior storage.

Ms. Ellis answered that typically we don't get involved with the interior design, however; because of the changes being proposed this question could be asked.

Trustee Bowden stated the rooms are not really structured for two people with one bathroom and one closet. She agreed with the parking issue.

Trustee Tuminello commented about the closet issue saying from personal experience he knew of a facility that gave a standing armoire in place of the closet and he also agreed with the parking.

Trustee Dye commented on her concerns with the closet space.

Ms. Ellis questioned the Mayor and Board on the impact fees.

The Board concurred there is no negative impact.

Mayor Baldermann closed the Public Hearing at 7:15p.m.

CONSENT AGENDA

Motion to approve the 8 items on Consent Agenda #12-14 as presented in packet was made by Trustee Madsen and seconded by Trustee Smith

- A - Minutes of Regular Meeting – May 29, 2012
- B - Ordinance #2271 Authorizing Execution of Annexations Agreement – 1105 East Have Avenue – Kubusak – 2nd Read

- C - Ordinance #2272 Annexing Certain Territory – 1105 East Haven Avenue – Kubusak – 2nd Read
- D - Ordinance #2273 Rezoning Newly Annexed Territory – 1105 East Haven Avenue – Kubusak - 2nd Read
- E - Ordinance #2274 Authorizing the Donation of Personal Property
- F - Resolution #12-24 Declaring Currently Owned Computer & Video Equipment as Surplus and Authorizing its Disposal
- G - Surety Release – Sky Harbor Off-Site Storm Sewer
- H - Surety Reduction – Taylor Glen Unit 2

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of a Request to Amend Site Plan and Waiver of Building Code – Lincoln-Way Special Recreation Association

Ms. Ellis reported the Board approved the Site Plan for the Special Recreation Facility in the Heather Glen Park site a month earlier. Ms. Ellis stated they have been some financial issues therefore they are trying to make as many cuts to the budget as they can without sacrificing the programming and services that they will be providing. She said this is an amendment to the site plan and waiver of the building code to accommodate the proposed building rendering. She said what was previously stone is now brick and what was brick on the one-story portion of the building is now a composite wood siding, which Ms. Ellis handed a sample to the Mayor and Board for their viewing.

John Olivieri, architect for the project, informed the Board that this project is about \$4.3 million dollars. He stated that Lincoln-Way Recreation has been awarded a \$2.5 million dollar grant therefore there have been a lot of cuts.

Trustee Smith asked about the durability of the composite wood siding panel.

Chris Algin, Olivieri Brothers, informed that this product is really an engineered wood siding similar to a cement fiber board, but far superior in quality, durability, moisture resistance and maintenance. He added this product comes with a 50 year warranty.

Trustee Smith asked once this is painted it will be low maintenance.

Mr. Algin explained how this product is treated. He added this is defiantly a low maintenance product.

Trustee Dye asked if the warranty lasts regardless of who owns the building.

Mr. Algin stated yes, it transfers with the building.

Trustee Bowden commented if this is a product that the Board approves she would like to see this product added to the list of approved materials but not in place of brick.

Mr. Rendleman stated that this product doesn't meet the brick requirement. It's an alternative material and we did look at Hardyboard a couple of years ago but that was a cement based product that will have the durability and long term that we were looking for. He asked is the Board wanted to put this product in lieu of brick.

Trustee Bowden answered no but an additional approved product to use.

Ms. Ellis stated that the issue is not to approve the product but it is being used on the first floor of the building. She added they are asking for the second floor to be masonry and the first floor non-masonry.

Mayor Baldermann said the Board is in agreement with waiving the first floor brick requirement for this building. He said this issue can be discussed at future Committee of the Whole meeting.

Motion for Approval of a Request to Amend Site Plan as Presented and Waiver of Building Code – Lincoln-Way Special Recreation Association was made by Trustee Madsen and seconded by Trustee Smith.

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

Consideration of an Ordinance Amending Special Use for Final P.U.D. Plat Briarwood Office Condos – 1st Read – Lyman Tieman

Ms. Ellis reported the Briarwood Offices Condos is the land surrounding the Trinity Autism Center. She stated that Trinity had been before the Board requesting some variances because they were anticipating buying a portion in the southeast corner of the overall Briarwood project. She said the reason for the amendment is there are a couple

items they are proposing to change. The final P.U.D. plat proposes three lots and an outlot for Briarwood Ct. She said Lot 1 is going to Trinity, Lot 2 is the site of the larger retail building and Lot 3 would be the remainder which includes some of the detention. She noted that Staff has been working with the property owner, architect and Trinity along with the engineering to figure out what needs to be done to get the site into compliance so that we feel comfortable recommending approval of construction of the first building. Some of the conditions are reiterated in the ordinance approving the P.U.D. regarding landscaping and completion of the detention pond. Ms. Ellis explained because this is a P.U.D. the Board would also be approving the Site Plan for Lot 2. She said there is a deviation in the front yard setback along the new Rt. 30 right-of-way line. It will be reduced from 20 feet to about 6 feet. She said Staff is working with the developer on the landscaping in the reduced setback. Ms. Ellis asked for Board comments.

Trustee Dye asked if there was any anticipated issue with the cross access easement.

Ms. Ellis answered no.

Trustee Smith asked who is responsible for sidewalks.

Ms. Ellis answered when the original Briarwood Plat was approved we collected funds for our local matched contribution to IDOT for the sidewalks.

No other comments or questions.

This will come back for second read.

Consideration of an Ordinance Annexing Certain Territory – Plank Trail Industrial Center – 1st Read – Lyman Tieman

Consideration of an Ordinance Rezoning Newly Annexed Territory – Plank Trail Industrial Center – 1st Read – Lyman Tieman

Ms. Ellis reported back in 2003 we entered into a pre-annexation agreement for this industrial subdivision east of Schoolhouse Road and south of the Old Plank Road Trail. She said there was a provision that said the rest of the sites would annex no less than three and no later than eight years after the date of the pre-annexation agreement. She said the eight years have come to pass so she has spent the last eight or nine months trying to get signed petitions for annexation from all of the lot owners. Ms. Ellis explained that some of the buildings have been developed with industrial condominiums so it was challenging to get everybody on board. She said there are about six lots holding out and all but one will be completely surrounded by incorporated lots following the annexation. Ms. Ellis noted that the Village can forcibly annex the five remaining lots.

Trustee Dye asked if there are any legal implications to forcibly annexing.

Ms. Ellis stated no, and the Village Attorney has put together a memo outlining the steps that need to be taken.

Trustee Tuminello asked if the property owner knew that they had a period of time they needed to annex into the Village.

Ms. Ellis answered when we did the pre-annexation agreement it was with the original developer before any of the lots were sold. He has done a great job of communicating that to the new owners. She said that she also notified the new owners. So this comes as no surprise.

Attorney Spesia added the state statute allows it.

No other comments or questions.

This item will come back for second read.

Consideration for Approval of a Resolution #12-25 Authorizing the Mayor to Execute and Directing the Village Clerk to Attest to a Forbearance Agreement – Prairie Meadows

Ms. Ellis reported this was a subdivision owned by Beechen & Dill on the south side of Delaney Road. She said it was approved for 114 single-family homes and it gone back to the bank through foreclosure. There is a local farmer that wants to purchase and farm the land until the market turns around, then maybe develop the land or sell it. She said there are provisions in the annexation agreement for the public improvements therefore they would like an agreement saying they are not compelled to improve Delaney Road before they develop the property.

No comments or questions from the Board.

Motion for Approval of a Resolution Authorizing the Mayor to Execute and Directing the Village Clerk to Attest to a Forbearance Agreement – Prairie Meadows was made by Trustee Butterfield and seconded by Trustee Dye

Upon voice vote the motion carried

Consideration for Approval of a Request of Subdivision Monument Signs – Jacob’s Field – Michael Flaherty

Ms. Ellis reported the developer is requesting to change the monument sign that was previously approved. She said the height and size of the sign are in compliance and Staff has no objections.

No comments or questions from the Board.

Motion for Approval of a Request of Subdivision Monument Signs – Jacob’s Field – Michael Flaherty was made by Trustee Bowden and seconded by Trustee Smith

Upon voice vote the motion carried

Discussion of Letter of Credit

Mr. Carroll reported that some of the developers approached Staff with concerns regarding the amount of surety that was being held by the Village. He said there are a couple things coming to the Board for their consideration. One of the things is currently

an 18 month warranty period which Staff would like see be extended to 24 months and after the improvements would be approved by the Village Staff, then brought to the Board for approval. Mr. Carroll explained another issue Staff is looking at is the amount of dollars that we are holding in surety.

Trustee Smith stated he understands and agrees there may be a problem but is not sure if this is the solution. He said he agrees that we need to relinquish some of their surety but don't want to relinquish the surety on the backs of the tax payers. Trustee Smith discussed his concerns with infrastructure, particularly the roads.

The Board discussed briefly the timing of the Villages acceptance of the public improvements.

Mr Carroll reported these issues will be brought to a future Committee of the Whole meeting.

Consideration of an Ordinance Approving Personnel Policy – 1st Read

Mr. Carroll thanked HR Director Deb Smetana as well as the Department Heads for this revamped Personnel Policy.

Trustee Dye said the executive summary was very helpful.

Trustee Madsen stated, very well written.

No other comments or questions.

This will come back for second read.

Consideration for Approval of an Ordinance Authorizing the Installation of Stop Sign – Pine Street & Second Avenue – 2nd Read

Mr. Nash explained after the discussion at the last Village Board meeting he and Chief Sterba went out to the site to discuss the situation. He said at this time, with the concerns of the Board, he is withdrawing the request for the stop sign. Mr. Nash explained there will be additional Police presence in the area to enforce the speed limit at the stop controls. He noted that the Police Department will also place radar units in the area.

Mr. Carroll stated there might also be double striping so there will be no passing on the streets.

Ms. Karen Longdon, 224 Pine Street, spoke in favor of a stop sign.

Mayor Baldermann stated the Village will take steps to control the traffic in that area. He explained the stop sign is not completely ruled out but at this point we will try some other options.

The Board concurred to withdraw the stop sign and agreed this area will be monitored.

Consideration for Approval of Purchase – Mud Jacking System

Motion to waive the formal bidding process was made by Trustee Smith and seconded by Trustee Bowden

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

Motion for Approval of Purchase – Mud Jacking System was made by Trustee Butterfield and seconded by Trustee Madsen

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

Consideration for Approval of Engineering Service Contract – Bidding WWTP#1 Nutrient Removal Improvement

Mr. Sly explained this is an Engineering Services Agreement with Donohue & Associates for nutrient removal improvements at WWTP#1.

Trustee Smith expressed his concerns with the Engineering Company keeping up their end of the bargain.

Motion for Approval of Engineering Service Contract – Bidding WWTP#1 Nutrient Removal Improvement was made by Trustee Butterfield and seconded by Trustee Tuminello

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 1 Trustee Smith

ABSENT: 0

The motion carried.

Consideration for Approval to Purchase – Leaf Vacuum

Motion to waive competitive bidding was made by Trustee Smith and seconded by Trustee Bowden.

Upon voice vote, the motion carried.

Motion for Approval to Purchase – Leaf Vacuum was made by Trustee Tuminello and seconded by Trustee Bowden

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on success of the second Triple Play Concert which was Heart.

Mayor Baldermann reported that Portillo's Hot Dogs is taking applications for employment at Atrium Point.

Mayor Baldermann reported that New Lenox is in the top ten of the top 100 largest Chicago Suburbs with the fewest foreclosures,

VILLAGE ATTORNEY

Attorney Shanahan reported that he will be participating in the Proud Americans Cook-Off at Proud American Days.

VILLAGE ADMINISTRATOR

Mr. Carroll reported that we will no longer be selling tokens at the coffee shop in the train station but we do sell the tickets at the Village Hall.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve bi-monthly disbursements in the amount of \$749,219.62. In addition to this disbursement, approval is needed for bi-weekly payroll in the amount of \$334,471.58 as well as a Board payroll with the total amount of \$6, 305.00 both paid on July 13, 2012.

Motion was seconded by Trustee Madsen.

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

None

TRUSTEE COMMENTS

Trustee Smith

Great concert!

Trustee Bowden

Trustee Bowden commented on how great the concert was.

Trustee Bowden explained that when there is inclement weather please check the New Lenox Website for movie or event cancellations.

Trustee Bowden reported on the next French Market.

Save the date – Wednesday, August 22nd, Ladies Night in the Commons.

Trustee Dye

Trustee Dye stated that not only are we in the top 10 of the least foreclosures, New Lenox also has two medical centers in town. Silver Cross Hospital and Provena Women's Health Center.

Trustee Butterfield

Trustee Butterfield commented on how nice the French Market is.

Trustee Madsen

Concert was great and looking forward to Proud American Days.

Trustee Tuminello

No Comments

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 July 23, 2012 Adjourned at 8:50p.m.

Laura Ruhl, Village Clerk