

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

**New Lenox Village Hall,
One Veterans Parkway
Monday, February 10, 2014**

#14-04

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:02 p.m. by Mayor Baldermann in the Council Chambers of the New Lenox Village Hall.

PLEDGE OF ALLEGIANCE – Boy Scout Troop #44

The Boy Scouts Troop #44 led the Pledge of Allegiance

ROLL CALL

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

Trustee Bowden, Butterfield, Tuminello, Smith and Mayor Baldermann

The following were absent:

Trustee Madsen

Trustee Dye joined the meeting at 7:34

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, Finance Director Kim Auchstetter, Police Chief Bob Sterba, Community Development Director/Assistant Administrator Robin Ellis, Village Engineer Will Nash, Building and Zoning Administrator Warren Rendleman, and Attorney Chris Spesia.

UPDATE – New Lenox Fire District

President Skip Minger, Joe Leavy and Fire Chief Jon Mead gave a brief update of the Fire District. They explained the referendum for the upcoming Primary Election.

CONSENT AGENDA

Motion to approve the 9 items on Consent Agenda #14-03 as presented in packet was made by Trustee Tuminello and seconded by Trustee Bowden

- A - Minutes of the Regular Meeting – December 16, 2013
- B - Minutes of the Regular Meeting – January 13, 2014
- C - Ordinance #2399 Amending Village Code – Medical Marijuana – 2nd Read
- D - Resolution #14-01 Declaring Currently Owned Computer and Phone Equipment as Surplus and Authorizing its Disposal
- E - Raffle License – Providence Catholic High School
- F - Ordinance #2400 creating TE Liquor License – Providence Catholic High School
- G - Acceptance of easement – Lenny’s Food N Fuel
- H - Surety Reduction – Calistoga Unit 1
- I - Resolution #14-02 Authorizing Release of Obligation of Sewer Costs – Heather Glen Unit 1

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Bowden, Dye, Butterfield Tuminello, Smith and Mayor Baldermann
ABSTAIN:	<u>2</u>	Trustee Smith (Item A) Trustee Bowden (Item B)
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Madsen and Trustee Dye

The motion carried.

ORDER OF BUSINESS

Consideration of and Ordinance Authorizing Development Agreement & Ordinance Granting Special Use for Preliminary P.U.D. Plat – New Lenox Horizon Senior Living – 1st Read

Ms. Ellis reported this property is one of the commercial outlots in front of the Liberty Square Subdivision, located at the northwest corner of S. Cedar Road and Otto. The proposal includes a development agreement in order to control the development. The agreement has been reviewed by Staff and the Village Attorney. The agreement doesn't become valid until the developer notifies us of the closing on the property which they have two years. They also have to obtain a building permit for the project within three years of the date of the agreement. If neither of these happen, the property will convert back to C-1 zoning. Ms. Ellis went over the exterior design requirements. Ms. Ellis reported that every resident in the building has to be 62yrs old or older with the exception of one managers unit. The impact fees are the typical Park District, Village, Fire Protection, Library, Police communication contribution. They requested a waiver from the School District in lieu of land as well as the school construction fees. The developer has also requested relief from the Village Hall and Transportation fees. Similar to what was done with Paradise Park Assisted Living the agreement reflects a 50% reduction of those fees. There is also language in the agreement requiring the property to pay property taxes regardless of whether it's owned by a non-profit organization that might be eligible for a tax exemption. Ms. Ellis stated there is also language in the agreement that says if the property seizes to be age restricted they will pay the difference between the current fees and the reduced fees that may be granted. She went on to discuss the proposed site

plan and the specifics of the building structure. Ms. Ellis reported the developer has a Plan A and a Plan B – the developer is proposing to land bank an area for parking. This area will be a common patio area with a gazebo but if the Village directs will provide more parking spaces. She went on to say the landscaping is still under review but for the most part it meets the Villages requirements. Ms. Ellis stated they are proposing to put a fence on the southwest corner of the property. There are already 6” foot privacy fences along the houses. They will connect their fence to the existing fences. There is language in the agreement saying if for some reason those fences are taken down by the resident the developer will replace the fence with something similar.

Ms. Ellis noted that there was a comment at the recent Plan Commission public hearing concerning the main access to the property being on Otto Drive and not Cedar Road. Ms. Ellis noted that this section of Cedar Road is under the control of Will County. She said Staff is relying on the New Lenox Fire District to help make a case with Will County to have at least a temporary emergency access from Cedar Road.

The Board talked briefly about the parking options.

Trustee Smith questioned if for some reason this property is not a senior housing, can they convert to an apartment building.

Ms. Ellis responded once this is built if the age restriction ceases to be enforced they will at least pay the impact fees.

Trustee Smith asked how will we make sure this doesn't happen.

Attorney Spesia said they would be in violation of the Special Use permit. We will have to enforce the permit. This can be put in the agreement.

Mr. Carroll noted that all of the borrowing the developer is seeking is strictly for senior housing.

Trustee Smith questioned the back fencing. Is the grade level.

Ms. Ellis stated that it's relatively flat so they are not artificially elevating the grade the site.

Trustee Tuminello commented on the detention. He asked Mr. Nash is there will be any issues with water run-off.

Mr. Nash stated when they developed the entire site, including Liberty Square Subdivision, was designed to take impervious coverage on the lots. The ponds are sized to take this development.

Consideration for Approval of Expansion of WAN System for Water Department Scada System

Mr. Carroll reported approval of the expansion of the WAN system will address problems with our current SCADA system and will also improve communication to the old Public Works building.

Motion to approve the expansion of the WAN System was made by Trustee Butterfield and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration for Approval of Engineering Contract for Sanitary Sewer Lining – Christopher B. Burke Engineering

Mr. Nash requested approval of an engineering contract to provide construction documents for us to move forward with a bidding process for sanitary sewer line that's along Rt. 30 from Speedway to behind Taco Bell.

Motion to approve the contract was made by Trustee Bowden and Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration for Approval of Engineering Contract for Rt. 30 Water Main & Sanitary Sewer Force Main Relocation – Christopher B. Burke Engineering

Mr. Nash reported that sometime in the future, the State will move forward with a project at the I-80 Rt. 30 interchange. This contract is for some preliminary engineering.

Motion to approve the contract was made by Trustee Smith and seconded by Trustee Dye

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Consideration of an Ordinance #2401 Amending Chapter 6 of the Municipal Code – Alcoholic Beverage – 1st Read

Mayor Baldermann reported this ordinance will allow persons 18 years and older to serve alcohol. This ordinance will also give the Board the authority to set the hours of an establishment without having to change the class.

Motion to waive 1st read was made by Trustee Butterfield and seconded by Trustee Smith. Upon voice vote, the motion passed unanimously recording Trustee Madsen as ABSENT

Motion to approve the Ordinance was made by Trustee Butterfield and seconded by Trustee Dye

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Bowden, Dye, Butterfield Tuminello, Smith and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Madsen

The motion carried.

Consideration for Approval of an Ordinance #2402 Creating Class D1 Liquor License and Ordinance #2403 Creating Class BG Liquor License – Bulldog Ale House – 2nd Read

Mayor Baldermann stated these two agenda item's go together. Tonight the Board will be taking action on the current Special Use permit for the outside patio, he added the owners are applying for an amendment to this Special Use.

Ms. Ellis noted the owners had submitted their application and will be at the next upcoming Plan Commission meeting for a Public Hearing.

Mayor Baldermann explained they will have to come back before the Village Board for approval of the new Special Use permit for the outside patio. Mayor Baldermann asked if any member of the audience would like to speak on this matter.

Rich Milkeris, 651 Schooner, expressed his concerns with the noise and issues they have had in the past with the previous owners of the establishment.

Mary Pesavento, 609 Schooner, expressed her concerns with the new establishment. She discussed problems with the previous owners.

Janet Clark, 2680 Schooner, expressed her concerns with the noise.

Paul Marrin and Mafmet Ahmeti of Bulldog Ale House addressed the residents' concerns. Mr. Marrin said it's unfortunate that the previous establishments caused problem. He said they want a place that families can come.

Mayor Baldermann stated for the record, Primetime did not have many complaints. When Bluestone Bar & Grill first opened they didn't have many complaints but ended up having a large amount. He added that action was taken.

Mr. Marrin went on record saying we strongly believe families and the community is important to us. We want to support New Lenox.

Trustee Bowden stated the residents have valid concerns. She went on to say she would like Bulldog Ale House to be successful but they will need to work through any problems.

Trustee Dye asked Mr. Marrin about security in the establishment.

Mr. Marrin stated there will be very qualified security and/or management that will be on the patio and by the front door.

Trustee Bowden stated they will need to deal with any issues outside in the parking lot.

Mayor Baldermann stated that he stands with the Board. The Board will only approve a 1:00am. liquor license inside. He conclude that the Board is confident they will be successful.

Motion to approve the Ordinance creating Class D1 was made by Trustee Butterfield and seconded by Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

Motion to approve the Ordinance creating Class BG as it stands today was made by Trustee Butterfield and seconded by Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann stated that he had been contacted by residents who were concerned that the snow plows had blocked some of the corners where the school buses pick up the children. He stated the Public Works Department is doing a great job plowing snow and had met with the School District to assist the schools.

Mayor Baldermann thanked the residents that came to the meeting and expressed their concerns.

Mayor Baldermann reported on the 2014 Triple Play Concert Series saying he does not have any contracts as of yet.

Mayor Baldermann discussed the recent issue with the Canadian National Railroad. He reported there had been a derailment between Nelson Road and Gougar Road. They didn't tip over and were not carrying anything. He said there is an investigation going on. Mayor Baldermann noted that local government has very little say in what happens with the federal railroad.

Trustee Tuminello discussed a personal issue he had with the CN crossings.

VILLAGE ATTORNEY.

No report.

VILLAGE ADMINISTRATOR

Village Clerk, Laura Ruhl, gave information regarding early voting for the upcoming Primary Election.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$972,949.45 and a manual disbursement in the amount of \$427.50. In addition to these disbursements, approval is needed for bi-weekly payroll in the amount of \$379,410.49 and a monthly payroll in the amount of \$5,826.67 paid on February 7, 2014

Motion was seconded by Trustee Tuminello.

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Madsen

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments or questions from the floor.

TRUSTEE COMMENTS

Trustee Tuminello

Trustee Tuminello thanked the Public Works Department for their hard work.

Trustee Tuminello congratulated the 2013 Providence Dance Group and the Providence Cheerleaders.

Trustee Madsen

ABSENT

Trustee Butterfield

Trustee Butterfield thanked the New Lenox Fire Department for coming to the meeting and updating the Board on the referendum.

Trustee Dye

Trustee Dye reported that she had attended the Lincoln Way Foundation dinner with the Mayor and other Staff. She praised the Foundation for all they do.

Trustee Bowden

Trustee Bowden stated the Board will do whatever they can to make any business successful in New Lenox and protect the quality of life of the residents.

Trustee Smith

Trustee Smith made a comment regarding the cold winter.

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 February 10, 2014 adjourned at 8:21pm.

Laura Ruhl, Village Clerk