

**COUNCIL OF THE WHOLE MEETING**  
**NEW LENOX BOARD OF TRUSTEES**

New Lenox Village Hall,  
One Veterans Parkway  
Monday, June 16, 2014

#14-15

**CALL TO ORDER**

The Council of the Whole Meeting of the New Lenox Village Board of Trustees was called to order at 7:03p.m. by Mayor 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 Bowden, Madsen, Butterfield, Smith and Mayor Baldermann

Absent:

Trustees Dye and Tuminello

**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, Attorney Marty Shanahan, Water Department Superintendent Brian Williams, and Building and Zoning Administrator Warren Rendleman.

**Discussion of Mokena/New Lenox Boundary Agreement**

Mr. Carroll reported the 15-year boundary agreement between Mokena and New Lenox is about to expire. He stated this agreement served both communities as intended. The proposal is to extend the agreement for another 20 years. This agreement will be back at a future meeting for Board approval.

**Discussion of Strategic Planning**

Mr. Carroll reported on the strategic planning initiatives that were derived from the planning session. He had a power point presentation highlighting the strategic priorities:

- Infrastructure, maintenance and improvement
- Focused development and re-development
- Marketing the Village

Mayor Baldermann and the Board discussed the possibility of using WLS Radio to promote New Lenox. The Board liked this idea and thought it would be a good way to endorse New Lenox.

The Board briefly discussed the future of the Village.

***Mayor Baldermann asked the Board to change the agenda and discuss the Business Registration topic since there were members of the audience that would like to speak.***

### **Discussion of Business Registration**

Ms. Ellis stated that Staff is recommending to restructure the process of the Business Registration program and went over the details of the proposed changes to the ordinance. She noted the Board has had questions regarding home businesses. To clarify, home businesses have been registering under the current process but if the Board desires, with the new process a home business could register voluntarily and we can waive the fee. This will accomplish the goal of having information to communicate and give the home businesses access to the Shop New Lenox business directory.

Trustee Bowden stated she would like to see home businesses get as much exposure as possible at the least cost. We are here to support all of New Lenox business.

Mayor Baldermann stated our intention is to help promote our New Lenox businesses. He said he would like to make it optional for home businesses to register. He added the Village has ways of addressing any business violations by way of our ordinances that are in place.

Trustee Bowden mentioned that when the Village hosts Ladies Night Out in the Commons we look at the current registration list to know who has a home business. If a home business does not register, we have no way of asking them to participate.

Ms. Ellis asked if a home business does register will it be at the new \$15.00 annual fee.

Mayor Baldermann stated since the Village will be marketing their business they will have to pay the fee.

Trustee Bowden agreed.

Ms. Ellis stated the other issue regarding the proposed ordinance is there are certain businesses that are licensed by the state, realtors being one. There have been concerns raised whether we can require them to register with the Village. Ms. Ellis said the primary concern is whether state licensing pre-empts our ability to register these businesses. She said the way Staff looks at it, a state licensed doesn't verify the place of which they are operating the business. We have the right to enforce zoning and our building codes.

Thomas Joseph, representing the realtors, addressed the Village Board saying the fundamental point is, under their Illinois Real Estate License Law Act, which is passed by Illinois General Assembly, a pre-emption is specifically addressed in the statute. Which specifically states that our brokerships (physical offices) as well as our Broker

Manager Agents have pre-emption even under Home Rule. Mr. Joseph explained the Licensing Act is very specific in the context of licensing and registration, and regulation.

Mayor Baldermann said we will not pass an ordinance that violates the law. He asked Ms. Ellis if there is any areas in New Lenox where a broker, according to zoning, could not exist.

Ms. Ellis answered she believes they are not permitted in an Industrial District.

Mr. Joseph explained that the Real Estate Brokers have cooperated in the past by filling out the current Business Registration application and paid the \$10.00 fee.

Mayor Baldermann asked if there is any difference in the information that will be required with the new Business Registration ordinance.

Ms. Ellis stated there is a new application that asks for the number of employees, square footage of the building and more details. This will help with the new marketing program. She went on to say many surrounding towns also request this information.

Mayor Baldermann and the Board discussed with Staff a way that the new registration will be acceptable to the Real Estate Brokers and the Village. He stated if the realtors don't want the benefits that come with the Business Registration, then the form we are currently using will be acceptable to them.

Trustee Smith stated the only thing that we want to do is promote the businesses in the Village that will bring more people to buy houses and shop at our businesses.

Mr. Joseph went on to discuss the Illinois Real Estate License Law Act.

Mr. Carroll discussed the format of the application.

Mayor Baldermann stated Staff and the Board have good intentions with requiring a Business Registration. He said the Board will work with the Realtor's Group.

#### **Discussion of Multi-Family Tap-On Fees**

Ms. Ellis reported currently the Village Code does not differentiate water and sewer tap-on fees based on the type of unit. So as a result the tap-on fee is the same for a one-bedroom apartment or a four-bedroom single-family home. As there is increased interest in construction of new multi-family residences in the Village, Staff is recommending to amend the tap-on fee structure for multi-family residences so that the fee more accurately reflects the demand on the system caused by the new development. Ms. Ellis stated that Staff looked at a dozen other communities for their water-tap on fees and sanitary sewer connection fees for multi-family units which the data is provided in packet. She said the majority of the communities look at multi-family tap-on fees based on the size of the water meter or water service line going into the building. Ms. Ellis reported that Glen Ellyn also requires a \$400.00 fee per unit if multiple units are served by the same connection. She said Staffs proposal is to amend the water and sewer tap-on fees for multi-family residences in buildings containing more than eight units to calculate the tap-on fees based on the size of the water service line serving the building which is the same

way tap-on fees are calculated for commercial and industrial buildings. She went on to say that Staff is also recommending an additional \$250.00 water tap-on fee and a \$250.00 sewer tap-on fee be required per dwelling unit included in the building only applicable to buildings with eight or more units.

The Board discussed with Staff the current fees for water and sewer tap-on.

**Mayor Baldermann announced that there are a couple of upcoming events that didn't get the information in time for the Board to approve.**

**Lincolnway Special Recreation will hold a raffle at their open house.  
Trinity Services is requesting a Class TE liquor license for their event.**

**These items will be on the next agenda for formal approval.**

**The Board concurred.**

**Adjourn**

Motion to Adjourn the Meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Council of the Whole Meeting of the Village of New Lenox Board of Trustees held on June 16, 2014 was adjourned at 8:15p.m.

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**Laura Ruhl, Village Clerk**