

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

**New Lenox Village Hall,  
One Veterans Parkway  
Monday August 25, 2014  
#14-22**

**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.

**ROLL CALL**

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

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

ABSENT - Trustee Dye

**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, Community Development Director/Assistant Administrator Robin Ellis, Chief Bob Sterba, Economic Development Director Nancy Hoehn, Public Works Director Brian Williams, Village Engineer Will Nash, Building and Zoning Administrator Warren Rendleman, and Attorney Chris Spesia.

**CONSENT AGENDA**

Motion to approve the 5 items on Consent Agenda #14-22 was made by Trustee Bowden and seconded by Trustee Butterfield

- A - Minutes of the Council of the Regular Meeting – July 28, 2014
- B - Approval of Agreement – Current Technologies – Police Station
- C - Approval of Agreement – Current Technologies – Village Hall
- D - Resolution #14-19 Adopting Policies and Procedures for the Village Issued Credit Card Usage
- E - Approval of Agreement for ALTA Surveys – Cedar Road/Route 30

Upon roll call, the vote was:

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

**ABSTAIN:**            2                    Trustees Madsen and Tuminello (A)

**NAYS:**                0

**ABSENT:**            1                    Trustee Dye

The motion carried.

**ORDER OF BUSINESS**

**Consideration for Approval of a Request for Site Plan Approval – Southwest Gastroenterology**

Ms. Ellis reported that Southwest Gastro is proposing to locate on lot 2 of the Cedar Crossings Subdivision, just south of the Parkview Orthopedics Building. The proposal is for a medical office building that would house Southwest Gastro and also have the ability to have other medical office tenants. The proposed site plan shows a shared access with Parkview Ortho towards the north and another one-way exit to the south. There's also a cross access easement that would extend along the west property line and connects all of the parking lots at the property to the south develops. Ms. Ellis reported the total size of the building is just under 30,000 square feet. She stated all of the landscaping complies with the code. The design of the building will be complimentary to the other buildings that were approved. The building materials consist of pre-cast concrete with brick inlay. Ms. Ellis presented the Board with a rendering of the building. The plans do meet the Village code and Staff recommends approval.

Motion to approve the site plan was made by Trustee Bowden and seconded by Trustee Tuminello

Upon roll call, the vote was:

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

**NAYS:**                0

**ABSENT:**            1                    Trustee Dye

The motion carried.

**Consideration for Approval of Setting of Surety – Southwest Gastroenterology**

Mr. Nash requested Board approval for the setting of surety in the amount of \$156,903.75 for the public improvements.

Motion to approve the request was made by Trustee Bowden and seconded by Trustee Madsen

Upon roll call, the vote was:

**AYES:**                6                    Trustees Butterfield, Smith, Bowden, Madsen

Tuminello and Mayor Baldermann

**NAYS:** 0

**ABSENT:** 1 Trustee Dye

The motion carried.

**Consideration of an Ordinance Granting Variances for Property Located at 414 Nelson Road –Buffalo Wild Wings – 1<sup>st</sup> Read**

Ms. Ellis reported that BWW’s has approached the Village regarding taking over the former Movie Gallery in Nelson Plaza. The first variance is to reduce the required number of parking stalls for the proposed restaurant tenant and other existing tenants in Nelson Plaza. Ms. Ellis went over the hours of the other tenants in the Plaza and also reported that Staff suggested the landlord and the businesses work together with the Village’s input on designating certain reserved parking spaces for employees. The second variance is to permit the installation of secondary business identification wall sign logos on the north and west elevations for the tenant space. The Zoning Board and Staff recommend approving both variances.

Trustee Bowden stated she’s concerned about customer parking. She is glad the petitioner is working together with the other business owners and Staff on the parking.

Trustee Tuminello asked Ms. Ellis to make sure we require adequate lighting behind the building for employees who park there.

The Board and Staff discussed the business owners posting signs on parking stalls during their business hours.

The Mayor and the Board are very excited to have Buffalo Wild Wing’s in New Lenox.

**Consideration for Approval of a Resolution #14-20 Authorizing the Execution of an Economic Incentive Agreement with HGWA, Inc. – Buffalo Wild Wings**

Motion to approve the Resolution was made by Trustee Butterfield and seconded by Trustee Bowden

Upon roll call, the vote was:

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

**NAYS:** 0

**ABSENT:** 1 Trustee Dye

The motion carried.

**Consideration of an Ordinance #2441 Authorizing the Execution of Municipal Waste Collection, Landscape Waste Collection, and Curbside Recycling Agreement NuWay Disposal – 1<sup>st</sup> Read**

Mayor Baldermann reported the will be no increase in fees for the first two years.

Mr. Carroll added that NuWay will be taking on all the billing including the monthly recycle bill which the Village currently does. The recycling bill will no longer be on the Village's water bill.

Motion to waive second read was made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote the motion was approved with Trustee Dye recorded as ABSENT.

Motion to Approve the Ordinance was made by Trustee Tuminello and seconded by Trustee Smith

Upon roll call, the vote was:

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

**NAYS:**                    0

**ABSENT:**                1                    Trustee Dye

The motion carried.

**Consideration of an Ordinance Amending Chapter 94 of the Municipal Code – Video Gaming at Licensed Truck Stop Establishments – 1<sup>st</sup> Read**

Mayor Baldermann stated this item was discussed at the last Council of the Whole Meeting. He stated the Village currently does not have any establishments that meet the criteria of a truck stop.

No comments or questions from the Board.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**MAYOR**

Mayor Baldermann reported that TJ Maxx had a successful grand opening the day before. He stated the out of 78 associated hired, 69 of them were from Lincoln Way area. Mayor Baldermann is pleased to see New Lenox residents getting local jobs.

Mayor Baldermann reported on the upcoming final Triple Play Concert of the year. He thanked Staff and the volunteers. He also reminded not to smoke on the grass in the Commons.

**VILLAGE ATTORNEY.**

No report.

**VILLAGE ADMINISTRATOR**

No report.

**PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$1,437,544.92. In addition to this disbursement, approval is needed for bi-weekly payroll in the amount of \$339,863.59 paid on August 22, 2014.

Motion was seconded by Trustee Madsen.

Upon roll call, the vote was:

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

The motion carried.

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

*Kevin McCullough, Drop-In Skate Park-899 Country Creek Drive*, addressed the Board saying that when he had been before the Board for the Special Use permit for the Skate Park he had no idea the hours of the business would be regulated. He said it was never stated in the paperwork or in the Board meeting. He said the first they knew the hours would be regulated was when he was given a violation of the Special Use permit. He said when they came to the Village to find out how to correct this situation of the hours he was told he needed \$1,000 to get this fixed. Mr. McCollough requested the Board waive the fees to go through another Special Use process. He stated he does not know why the business hours need to be regulated. He asked why government deems it necessary to interfere with free enterprise.

Mayor Baldermann stated he wants the Board to be aware of the actual facts of what happened in this situation. When Mr. McCullough was in front of the Board for the initial Special Use permit he told the Board the hours of operation for the Skate Park. Mayor Baldermann explained the bill for recording the Special Use was sent to Mr. McCullough and in Staff's error he was not sent the recorded ordinance which specifically listed the hours of operations. Mayor Baldermann said this was an error that Staff made. The hours that are on the Special Use are the hours that were discussed at the public meeting. When Mr. McCullough came to the Village and said he wanted to extend the hours from what was originally talked about with the Board. Mayor Baldermann sat in on a meeting with Mr. McCollough and told him he does not think there will be any problem extending the hours until this issue comes back to the Board for formal approval, but because there

is a Special Use Mr. McCollough will have to go through this process again. Mayor Baldermann and Staff told Mr. McCollough that we would waive the \$500.00 review fee that covers the Village Staff's time but the Village cannot waive the \$350.00 which are actual hard costs to the Village. Mayor Baldermann stated we can not ask the tax payers to fund someone else's private enterprise. Mayor Baldermann said that Staff acknowledged making an error by not sending Mr. McCollough the paperwork but we told him to operate at the extended hours until he goes through a new Special Use process. The hours were initially based on the hours Mr. McCollough told the Board and the Plan Commission. Mayor Baldermann explained to Mr. McCollough why the Village has to regulate hours to all businesses.

Mr. McCollough stated at no time did the form indicate the hours of would be regulated. He said he was not told that the hours would be regulated at the Board meeting. He said the Board asked him what his hours would be.

Mayor Baldermann said that the Board goes by what the owner says the hours will be and that businesses owners go through a Special Use process if needed. He told Mr. McCollough this is for all businesses, not just his. Mayor Baldermann explained to Mr. McCollough that he was given permission to temporarily extend the hours of business until the Board officially approved the hours. We did not want to hurt his business and that since there was a clerical error the Board would waive the review fees and also allow Mr. McCollough to continue to operate at a later hour without receiving any violations or infraction. Mayor Baldermann explained that the Village waived the \$500.00 review and Staff fees but cannot waive the \$350.00 hard cost fees because this will cost tax payers money. Mayor Baldermann stated that when Mr. McCollough came to the Board requesting his Special Use for the Skate Park, even though it wasn't popular with some of the neighboring businesses, the Board thought it was an appropriate use for that area in the Industrial Park of County Creek Drive. The Board asked Mr. McCollough what the hours of the business would be and Mr. McCollough told the Board the hours of operation. The Board agreed to the hours he had said.

Mayor Baldermann and the Board concurred that the reason why the Board regulates hours is for the well-being of the rest of the community. We have to have certain criteria and laws. Every business that comes before the Board is asked their hours of operation.

*Brad Fralich, Buffalo Wild Wings*, thanked the Board and Staff for making the process of coming to New Lenox such a good experience.

## **TRUSTEE COMMENTS**

### **Trustee Tuminello**

Trustee Tuminello had no comments.

### **Trustee Madsen**

Trustee Madsen wished everyone a safe and happy Labor Day.

### **Trustee Butterfield**

Trustee Butterfield said he would see everyone on Saturday for the concert.

**Trustee Dye**

ABSENT

**Trustee Bowden**

Trustee Bowden had no comments.

**Trustee Smith**

Trustee Smith had no comments.

**RECESS TO EXECUTIVE SESSION**

None.

**RECONVENE TO REGULAR SESSION****ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried unanimously. The Regular Meeting of the Village of New Lenox Board of Trustees held on August 25, 2014 adjourned at 7:31pm.

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Laura Ruhl, Village Clerk