

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

**New Lenox Village Hall,
One Veterans Parkway
Monday September 8, 2014
#14-23**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:01 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, Dye 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 Administrator Kurt Carroll, Village Clerk Laura Ruhl, 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 6 items on Consent Agenda #14-23 was made by Trustee Madsen and seconded by Trustee Smith

- A - Minutes of the Regular Meeting – August 11, 2014
- B - Minutes of the Council of the Whole Meeting – August 18, 2014
- C - Ordinance #2442 Granting Variances for Property Located at 414 Nelson Road – Buffalo Wild Wings – 2nd Read
- E - Approval of Purchase's – Audio/Visual Equipment & Installation, Appliances, Monitors/Televisions, Copiers & Phone System – Police Station
- F - Approval of Proposal – Water Model – Public Works
- G - Surety Reduction – Haven Commons

Trustee Smith requested Item D of the Consent Agenda be set aside and discussed separately.

Upon roll call, the vote was:

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

ABSTAIN: 2 Trustees Bowden and Tuminello (Item A)

NAYS: 0

ABSENT: 0

The motion carried.

Trustee Smith requested that item D of the Consent Agenda be voted on separately.

Motion to approved Item D of the Consent Agenda was made by Trustee Bowden and seconded by Trustee Butterfield

D - Ordinance #2443 Amending Chapter 94 of the Municipal Code – Video Gaming at Licensed Truck Stop Establishments - 2nd Read

Upon roll call, the vote was:

AYES: 4 Trustees Butterfield, Bowden, Dye and
Mayor Baldermann

ABSTAIN: 0

NAYS: 3 Trustees Smith, Madsen and Tuminello

ABSENT: 0

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of Temporary Use for Special Event – Jewel Osco/475 Nelson Road

Ms. Ellis reported that Jewel Food Store on Nelson Road is working together with Ekrich Sausages and NASCAR on a special event for Operation Homefront, which is an organization that helps Military Families. One event will take place Friday, September 12th from 9:00am – 1:00pm and the second is Sunday, September 14th 8:00am – noon. The Friday event will take place in the parking lot near the pharmacy area and the Sunday event will take place on the south side of the building. She stated that Staff recommended approval along with the ZBA who reviewed this request last week.

Trustee Dye noted this event is by invitation only.

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

only subdivision that had more than five units. She said it difficult for developers to get financing for large sections of public improvements. Ms. Ellis said Staff is not opposed if they continue to make progress and the subdivision doesn't stall. Staff is supportive of this request.

Trustee Smith stated that he would like to see the Village require a minimum number of lots. He stated that he did not want units containing five lots as this will damage the roads. He also does not want residents in the first phases disrupted by construction traffic.

Staff and the Board concurred to bring this issue to a Council of the Whole Meeting for further discussion.

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

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

Consideration for Approval of a Final Plat – Hibernia Estates Units 4 & 5

Ms. Ellis stated approval of this final plat also addresses the developer's request to pay tap-on fees at the time of building permit. She went on to say they are also requesting the 50% impact fee reduction apply to Unit 5 as well. When the 50% fee reduction was put in place it was to try and equalize existing platted and improved lots versus new lots coming on line. In this case, even though they are new lots it's the same developer that has owned the property since the early 2000's. Ms. Ellis noted the Board did grant that extension of the impact fees for Unit 4. With regard to the tap-on fees Staff has no objection as long as they pay them at the rate that's in effect when the building permit is issued. Currently the 50% reduction is only valid through the end of this year.

Trustee Smith asked if this can also be discussed at a Council of the Whole meeting.

Motion to approve the Final Plat with the caveat was made by Trustee Bowden and seconded by Trustee Dye

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

Consideration of Approval of Setting of Surety – Hibernia Estates Unit 5

Mr. Nash asked the Board to approve the Setting of Surety for Hibernia Estates Unit 5 in the amount of \$518,138.51.

Motion to approve the setting of surety was made by Trustee Tuminello and seconded by Trustee Butterfield

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

Consideration for Approval of Recapture Amount – Heather Glen Off-Site Water Main

Ms. Ellis reported that DR Horton had to extend water main through the un-platted portion of Heather Glen Townhomes. The Board approved a recapture agreement at the end of last year. The water main has been completed and the developer has submitted the documentation of costs as required. Staff reviewed the costs and recommends approval of the certified costs in the amount of \$72,344.75. After Board approval they are required the benefitting property and interest would not accrue until 30 days after that notice is given to give them an opportunity to pay without interest.

Motion to approve the recapture amount was made by Trustee Bowden and seconded by Trustee Smith

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

Consideration of an Ordinance Authorizing the Development Agreement and an Ordinance Granting Special Use for Preliminary P.U.D. Plat – Lincoln Station Apartments -1st Read

Ms. Ellis reported the primary purpose to the development agreement is to govern the future of the Statuary property between the Fire Station and the viaduct on Rt. 30. It is not part of this development but it will completely surrounded by development and difficult to do anything with in the future. The development agreement requires the developer of Lincoln Station to have this property under contract prior to Board approval of the preliminary P.U.D. plat. Ms. Ellis stated Staff has a copy of the signed contract between the developer and the Statuary property owner. In addition to this, the petitioner will have to close on the property at the time of final P.U.D. plat approval at which time they will have to provide the Village with surety in the amount of \$50,000 to insure the ultimate demolition of this property. The developer is requesting to be allowed to reface the building and to use the Statuary building as a temporary sales office until the first apartment building is open. At that point the Statuary building would have to be demolished. We have an outside date of December 31, 2016 for that to occur.

Trustee Smith asked what the structures will be constructed of.

David Kennedy, project architect, said they don't have final design but their preliminary design is calling for the exterior to be masonry and stucco. The structure itself has not been determined yet but they have an idea of a podium type structure where the ground floor is a type 1, completely non-combustible 3-hour separation of the parking deck and the above the second floor is fire treated wood structure which is allowed by the IBC Code.

Trustee Smith stated that he thought there was an ordinance that doesn't allow tenant stacking on wood.

Mr. Rendleman answered that the Village does have an ordinance and that's one of the deviations. They can follow the IBC Code rules for separation and sprinkling.

Trustee Smith asked the architect why they would go with wood instead of structural steel.

Mr. Kennedy stated total economics of the structure. He noted it does meet the IBC Codes.

Trustee Smith asked Matthew Klein of New Lenox Development Company, LLC for a copy of the LLC Principals. He then asked Mr. Klein if the principles are keeping this development or selling it.

Mr. Klein stated the present intent is that they construct the development and keep it.

Trustee Dye asked Staff with this development does this mean the Metra Lot will not lose any spaces but can no longer expand.

Ms. Ellis stated that this is correct. This development does not take away from any land that Metra currently owns.

Mr. Carroll said one option is if the developer does not use of their land the Village could possibly utilize a portion of it.

Trustee Smith asked if the Village can still move the Metra train station and are the developers going to be donating toward moving the station. He went on to say that other improvements should be looked at.

Mr. Carroll answered there is a transportation fee that we have the ability to impose.

The Mayor and Board discussed a similar development in Orland Park.

Ms. Ellis discussed with the Board the proposed parking. She stated the site plan proposes to construct about 1.67 parking spaces per unit. There are 27 parking spaces for the clubhouse. If the Board determines within the first five years after the development is constructed that additional parking is needed there is an area where they have the ability to provide two spaces per unit overall. Ms. Ellis said the flipside is the Village is requiring at least 65% of the units to be one-bedroom apartments so that we can control the parking demand.

The Board briefly discussed the 1.67 parking spaces per unit.

Trustee Dye stated that she has seen how the Orland Park development has changed the whole face of that area. She went on to say she's glad to see that the developer is trying to save the existing trees along the railroad.

Trustee Tuminello asked if the interior roads are going to be private.

Ms. Ellis stated yes and Staff has asked for Prairie Road to be dedicated to the point where you have an entrance into the Metra Lot and beyond that it would be private.

Trustee Tuminello said because the property is a little lower is the detention area going to be big enough to cover the water from this development.

Mr. Nash said the lot on the northeast end of the property is part of the existing pond for the Metra Lot which will get expanded. Mr. Nash explained other areas of the property that will be set up for detention.

Mayor Baldermann noted that these ordinances are first read.

Ms. Ellis stated this property is already annexed into the Village so we do not have our typical impact fee or donation requirement language which can be put in the P.U.D ordinance. She said based on the Boards discussion we can look at applying our transportation fee which is per unit regardless of the size then that money can be used towards relocating the Metra Station. Ms. Ellis explained one of the hold overs from when this was first approved was a required contribution towards the signal that the Village put in at Prairie Road and Route 30 which is included and is about \$130,000 and will be required at the issuance of the first building permit. Ms. Ellis said the donations

would be the typical subdivision contributions to the Village, the Park District and the two School Districts.

Trustee Smith asked if Prairie Road will be the only way in and out of the development.

Mr. Carroll explained there is Prairie Road, Church Street and/or Cedar Road.

Ms. Hoehn added one of the conditions to us considering vacating the Church Street right-of-way is maintaining access through the re-development.

Ms. Ellis reported the ordinance highlights all of the requested deviations, the underlying zoning classification for this property is commercial.

Trustee Smith asked if this development will fall under the new amended tap-on fee ordinance.

Ms. Ellis stated the development will be under the new tap-on fee structure.

Trustee Bowden said her concern would be the quality of the buildings.

Trustee Dye said her concern is losing Metra Lot parking.

Mayor Baldermann stated he has had a tremendous amount of experience with multi-family dwellings. This development is proposed in the right location. He said New Lenox is growing and the Board has always insisted on quality.

Trustee Dye asked if this developer knows that the Board wants to see New Lenox residents working on their project.

Mr. Klein said they work in that direction both with the contractors, laborers and employees.

Trustee Tuminello asked what amenities will be in the clubhouse.

Mr. Klein answered a pool, weight room, office and more.

Trustee Tuminello stated his has no problem with the 1.68 parking spaces but had concerns about water and detention ponds. He would like to see calculations from both the Village and the developer regarding storm water detention.

Mayor Baldermann said we will make sure that Staff and the developer go over the engineering for this.

The Board briefly discussed the parking.

Mayor Baldermann addressed the developer saying ultimately before they get the approval for Lincoln Station the Boards comments and questions have to be addressed and they have to be satisfied with the quality.

Mr. Klein addressed the Board saying the quality of the units are quite high and that they are marketing to upper level clientele.

Consideration for Approval of Request to Open Cut Road – 134 W. Third Avenue

Mr. Nash reported this is a request to open cut W. Third Avenue in order for the future home to tie into the existing sanitary sewer that's on the far north side of the road. At least half of the road will need to be excavated to get to the line. The contractor will have traffic control devices as well as personnel on site to ensure the safety of traffic on W. Third Avenue. Mr. Nash noted that he will work with the contractor to notify the neighbors and nearby Church.

Trustee Madsen asked if the curb cut sinks at all who will be responsible for any repair.

Mr. Nash reported the Village typically gets a surety bond from the contractor that will last for a year. Staff will check on the site to make sure it doesn't need repair before the bond is released.

Trustee Smith asked Mr. Nash if there's anything the Village can do about the road pavement issues on Route 30 at I80.

Mr. Nash called the maintenance shop at IDOT to let them know.

Motion to approve the request was made by Trustee Madsen and seconded by Trustee Smith. Upon voice vote the motion carried.

Consideration for Approval of an Ordinance Adopting Chapter 82 of the Municipal Code – Taxation, Article V, Cable Video Service Provider Fee and Peg Access Support Fee and Ordinance Adopting Chapter 22 of the Municipal Code – Businesses, Article III, Cable and Video Customer Protection Law – 1st Read

Mr. Carroll reported the first ordinance allows the Village to charge a fee up to 5% of the gross revenues on the service provider for allowing them to operate within the Village's borders. The State also allows a 1% fee imposed for the PEG or government access fees. The second ordinance allows the municipalities to enforce the customer service and privacy protection standards with respect to complaints received from residents as provided by the Cable and Video Customer Protection Law. This ordinance locally adopts the protection standards adopted by the state in regards to cable service providers.

Mayor Baldermann stated that AT&T Uverse will be expanding to our area which will give our community an option.

Trustee Tuminello asked this just levels the playing field with Comcast and AT&T Uverse, this is not a tax increase for residents.

Mayor Baldermann stated that is correct.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on the success of the 2014 Triple Play Concert Series. He noted that next year we will not allow concert goers to hold a place in line for anyone. Mayor Baldermann stated that concert goers will not be able to put down blankets and chairs to hold a large area for people that haven't arrived. He said it was a great season and thanked all who were involved.

Mayor Baldermann reported on an upcoming Bullying event that will take place on October 15th at 7:30p.m. in the Commons.

Mayor Baldermann invited residents to join in the Patriot Day Event in the Commons at the Firefighters Memorial on September 11th.

Mayor Baldermann thanked the Village Board for good discussion and a good meeting.

VILLAGE ATTORNEY.

No report.

VILLAGE ADMINISTRATOR

Ms. Hoehn reported on the upcoming Job Fair to be located in the Village Hall.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$1,385,884.98. In addition to this disbursement, approval is needed for bi-weekly payroll in the amount of \$352,493.61 paid on September 5, 2014.

Motion was seconded by Trustee Madsen.

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

None.

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith commented on the success of the concert. He asked that a sign be posted that we won't take old beer tickets.

Trustee Bowden

Trustee Bowden had no comment.

Trustee Dye

Trustee Dye announced that Trinity Services will be celebrating their 25th anniversary this year. She wished them Happy Anniversary and we are glad they are in our community.

Trustee Dye announced that Union School received a Merit Award. She congratulated Mayor Baldermann who is the schools Superintendent.

Trustee Butterfield

Trustee Butterfield congratulated Mayor Baldermann for Union School receiving the Merit Award.

Trustee Butterfield invited residents to join the Patriot Day Event.

Trustee Madsen

Trustee Madsen had no comment.

Trustee Tuminello

Trustee Tuminello commented on the upcoming Patriot Day.

RECESS TO EXECUTIVE SESSION

Motion to recess to executive session was made at 8:19pm by Trustee Bowden and seconded by Trustee Dye

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

RECONVENE TO REGULAR SESSION

All members of the corporate authorities previously in attendance before executive session including, Kurt Carroll, Chris Spesia and Village Clerk Laura Ruhl were in attendance when the Board reconvened at 8:51pm.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on September 5, 2014 adjourned at 8:52pm.

Laura Ruhl, Village Clerk

APPROVED