

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

**New Lenox Village Hall,
One Veterans Parkway
Monday, October 20, 2014**

#14-27

CALL TO ORDER

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

The following were absent:

Trustees Madsen and 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 Village Administrator Kurt Carroll, Village Clerk Laura Ruhl, Community Development Director/Assistant Administrator Robin Ellis, Economic Development Director Nancy Hoehn, Village Engineer Will Nash, Finance Director Kim Auchstetter, Building and Zoning Administrator Warren Rendleman, Director of Public Works Brian Williams, Chief of Police Bob Sterba, and Village Attorney Chris Spesia.

DISCUSSION ITEMS**DISCUSSION OF LINCOLN STATION APARTMENTS**

Richard Gammonly, Phoenix Construction and Consulting, addressed the Village Board regarding the proposed Lincoln Station Apartments. He presented a power point detailing the project further. He showed the Board some of the previous projects his team has worked on and went over the history of how they came across this property. Mr. Gammonly stated they had originally looked at the House of Hughs property for retail and residential but decided this site was more of a commercial piece. He said the site that

was chosen was previously approved for multi-family so they thought it would be ideal for luxury high-end apartments. He said they believe this is the right location and an ideal piece of property for this use. Mr. Gammonly went on to discuss why they think that New Lenox needs this project. He said the demographics include empty nesters, young professionals and people that want to walk to the train. He said the Metra Station is a big benefit and added that every one of their projects is located near a train station and are all transit-oriented. Mr. Gammonly went on to say there will be minimal strain on the schools because these are mostly one-bedroom apartments who will be professionals with small children saving up for the next step to home ownership. He said these are the same people that will walk to shopping

David Kennedy went over the plan for architecture and construction. He said there will be four buildings that are almost identical with a flip plan. He said building's 1 & 2 face each other and the same with building's 3 & 4 with the clubhouse in the center on the site. He said the ground floor plan is a parking garage and the building lobby. Mr. Kennedy said the typical floor plan is a simple double loaded corridor with most of the interior units being one-bedroom and the corner units, and the front units being two bedrooms. The buildings are roughly 70% one-bedroom and 30% two bedroom apartments and the top floor having a large terrace that give slightly larger units on the upper floors. Mr. Kennedy stated the primary building material is mostly masonry with the top floor having some accent made of stucco. He said there will be also be two different color bricks and stone for accent. At that time he presented a couple samples of accent brick but nothing has been finalized. Mr. Kennedy went over the proposed signs. He went on to talk about the floor plan of the clubhouse.

Mr. Gammonly reported this project was designed to look like a condominium project and will have the same luxury features. He stated he hopes the market shifts in the next five to seven years and this will be converted to condominiums. He went over the proposed amenities; clubhouse, pool, playground, walking path, fitness center, movie screen room, coffee bar, volley ball courts and additional exterior recreation. Mr. Gammonly stated the elevation is a work in progress. There will be an on-site property manager and maintenance. The units all have 9-foot ceilings, granite countertops, stainless steel appliances and hardwood floors. The penthouse floors are two bedroom with a den and a terrace. Mr. Gammonly said they hired a professional company and did a market study and were in agreement with the average rent being \$1.75 - \$1.80 a square-foot, the average unit will be leasing at \$1,610.00. He said they are projecting a 3-year full lease and the market study came back with 28 months. Mr. Gammonly reported that will full occupancy the annual tax revenue will be \$950,000 or higher. At that time he broke down the percentages for the districts. Mr. Gammonly stated this is not a Section 8 project or subsidized housing. He went on to talk about the construction of the four buildings saying this is a podium design construction system which is not a lesser construction, it is a different way to build the building.

David Kennedy stated the Village of New Lenox is working with the IBC Codes of 2006. The Village has written some amendments to that code but the initial base code was adopted in 2007 with the amendments. The 2006 code allows for section 509.2, special provisions that identifies podium type construction. One of the things that were looked at when reading the Codes was the fire separation between units – a vertical separation between townhouse type construction, so it's more of a single-family adjoined as opposed to apartments with stacks of units and does affect all types of multi-family

construction. The code amendments ask for 2-hour separation between units. He said they looked at what the base code allows and what the amendments ask for over and above. Because the amendments ask for more than the base code we met with Mr. Rendleman and the Fire Chief regarding this project and how it should be interpreted for this project. Mr. Kennedy said they can build this type of podium type construction and meet the fire ratings that are in the base code and in the amendments.

Trustee Smith asked Mr. Kennedy to define podium construction.

Mr. Kennedy stated that IBC allows for the first floor is a concrete type 1-A construction. The way the codes reads is instead of having a 6-story building that's all the same construction type, they allow for the first floor in one type and the other floors another type and that's why they call it a podium. The first floor is generally a type-1 construction which is concrete, 3-hour fire separation between the second floor slab and the rest of the building. They evaluate that as two buildings combined – you are sitting one type of building on top of another.

Trustee Smith how are they going to build these buildings.

Mr. Kennedy answered it will be type-1 concrete on the first floor and above is type-3 fire treated wood. He noted it will be a fully sprinkled building.

Trustee Tuminello asked Mr. Rendleman to explain section-509.

Mr. Rendleman stated section-509 is a specific construction type with the podium style and it gets into the ratings of walls and allows them to get an extra story because it's sprinkled and because it's that type of construction. Section-509 is more specific details for type-3 construction.

Trustee Tuminello asked if they are asking to deviate away from anything less than what the code should be.

Mr. Rendleman stated they can meet the base code and our amendments but they cannot meet our material standard for our amendments. We have three specific types of fire separation walls that can be done and there's two types of floor systems that can be done. The code doesn't get that detailed, it says you have to do a one hour, two hour, three hour and then it's open to what design that you can come up with to meet that. The developer can meet the two hours that we spec in our code but the materials will be a little different.

Trustee Tuminello asked what the two types of flooring that we allow.

Mr. Rendleman stated Flexicore, concrete planks or concrete floor poured in place.

Trustee Tuminello stated they developer meets the hourly but not our specific materials.

Mr. Gammonly believes they are interpreting that portion of the code is written for single-family townhouse.

Trustee Smith disagreed.

Mr. Gammonly said the podium assembly evaluates the building as two separate structures, the concrete base and wood construction above. When they looked at what IBC allowed and what the amendments that were created they noticed they were deficient in terms of being able to meet fire ratings in two categories. They met with the Building Department and Fire Department and agreed to meet the ratings with UL, Underwriters Labs, approved fire rating, fire partition walls. So they have agreed to meet those two deficiencies that the code allows but does not meet the New Lenox amendments. Mr. Gammonly stated these buildings are full masonry exterior. Mr. Gammonly discussed the amount of jobs this project will create just by using wood structure over setting plank. We have used planks in other buildings but not without problems. Planks, flexi core floors, have to be cored for every mechanical, electrical, plumbing and are difficult to work with plus the plank has camber. He discussed what planks do to ceilings and sound transmission. Mr. Gammonly went on to say that with wood and the availability of materials is allows us to construct during winter. He discussed other projects they completed with these products. Mr. Gammonly stated this is cost effective and is allowing them to build the clubhouse and other amenities.

Trustee Tuminello asked what the fire rating between floors is.

Mr. Gammonly said the way the IBC has it now, the system itself would be approximately a one hour rating but the Village's code is asking for a two hour which we have agreed to meet with a UL rated floor system.

Trustee Bowden asked if each unit will have sprinkler systems.

Mr. Gammonly answered every unit and every area as required by code will have a sprinkler system. At that time Mr. Gammonly thanked the Board for their time.

Mayor Baldermann asked the Board for questions.

Trustee Bowden expressed her concerns regarding the parking and the Metra lot being so close to the project. She said the underground parking will be for the tenants. Is the outside parking going to be controlled and monitored.

Mr. Gammonly said the Management Company will be monitoring the parking lot. Resident's vehicles will be required to have parking stickers.

Trustee Tuminello asked if the vision is this project turns into a condominium complex in the next 5-7 years then why not start out as a condominium project.

Mr. Gammonly stated they are envisioning and hope this will but can't predict the future. He said quite frankly, lenders won't finance condominiums.

Trustee Tuminello asked what happens if it doesn't support the rent, the value per square foot.

Mr. Gammonly stated they did research and came up with a number and then the professionals came out and did a study.

Trustee Tuminello asked how big clubhouse is.

Mr. Gammonly stated approximately 4,000 square feet.

Trustee Tuminello asked if they will be submitting a P.U.D. at the time of approval of this project.

Ms. Ellis stated they have submitted the preliminary P.U.D. and is pending.

Trustee Tuminello asked if the apartments will be 70% one bed and 30% two bedroom with the exception of the eight units on the top floors.

Mr. Gammonly stated the eight units on the top floor are two bedrooms with dens.

Mayor Baldermann noted it had been discussed before the percentages were 65% and 35%.

Mr. Gammonly it will be in between depending on the final design. I will not be less than 65% and not more than 70%.

Trustee Tuminello noted that in other projects the developer has done there was retail on the bottom floor of the buildings. Is there no possible way to make one or two of these buildings with retail?

Mr. Carroll stated this was looked at when the developer was looking to be located at Route 30 and Cedar Road. But the new location is tucked back and could have parking issues.

Trustee Butterfield asked what the actual rental cost for the apartments.

Mr. Gammonly answered the average price per foot is \$1.75. The average unit is about 895 feet so it's about \$1,600.00 per one bedroom.

Trustee Butterfield asked if any of their developments have gone to condominium yet.

Mr. Gammonly answered not at this time.

Trustee Smith asked about the phasing of the project.

Mr. Gammonly stated the two front buildings and the clubhouse will be built at one time. They would like to get the clubhouse done as soon as possible so they can tear down the Statuary and make the clubhouse the leasing center.

Trustee Smith asked if residents will be allowed to have pets.

Mr. Gammonly answered the building will be pet friendly but restrictions on weight.

Trustee Smith asked how they will police how many people will live in each unit.

Mr. Gammonly answered there will be restrictions on how many renters can live in one unit. The management company will be responsible to control this. They are looking at paying a management company around \$350,000 a year to have a full time staff on hand.

Mayor Baldermann added the Village has an ordinance that controls this.

Trustee Smith asked what their total budget is for this project.

Mr. Gammonly answered \$53,000,000. He briefly went over the budget expenses.

Trustee Smith went on to discuss the quality of this project. He stated that he is looking at the long term of the building and that quality is everything in New Lenox.

Mr. Kennedy stated by upgrading to the two hour walls you have wood frame walls with two layers of 5/8ths on each side instead of one.

Trustee Smith stated wood a fibrous material that breaks down.

Mr. Kennedy stated this building is built too much higher standard than any single-family home. The exterior of the building is covered in water tight. We have higher grade windows, floors, and structural calculations that can prove out anything in terms of the code for the loads they take whether interior or exterior, wind load or gravity load. He said wood is actually better than steel if there's a fire.

Trustee Smith stated that he wants these buildings to last a long time and he's not seen trusses that last. He added if the Board allows this development to have wood they will have to allow other projects.

Mr. Gammonly said he thinks the benefits of a wood system out way any negatives.

Trustee Smith stated it comes down to cost.

Mayor Baldermann stated he appreciated the presentation and have made your points. The Board has their opinions based on history and experience. He noted there are two Board members that are absent. Mayor Baldermann asked the petitioners to come back to the next meeting with the points and questions the Board had this evening. There is also a resident that had some questions concerning flooding and the WWTP that will be addressed and sent to the petitioner.

DISCUSSION OF TEMPORARY USES FOR SPECIAL EVENTS

Ms. Ellis reported in 2010 the Village Board approved amendments to the Zoning Ordinance to establish standards for special events held in parking lots of commercial businesses. Over the past four years several special events have been reviewed through the temporary use process and all have been approved with little to no discussion by the ZBA or Village Board. Staff is seeking Board direction to amend the Zoning Ordinance to treat temporary uses for special events in parking lots similar to other temporary uses that can be approved by Staff subject to compliance set forth in the Zoning Ordinance. Any special event that would include alcohol would still have to obtain a temporary liquor license which must be approved by the Village Board. If the Board agrees this is something that can be done administratively by Staff she will go ahead and prepare the necessary ordinances for public hearing before the Plan Commission.

Trustee Smith stated he would like to see a notification to the Board for these events.

Mayor Baldermann stated the request will come to the next available meeting as an Info Only in the Board packet.

DISCUSSION OF E-UTILITY BILLING SITE INQUIRY & ON-LINE PAYMENTS

Ms. Auchstetter reported this is an additional option to pay and view your water bills on-line. ACS is our current utility software and has partnered up with D&T Ventures to provide real time viewing, payment history and on-line payments access to our utility customers. Ms. Auchstetter went through the steps for the on-line viewing and payment. She went on to say the cost of this service was budgeted for and the installation will take approximately two months to develop and complete. Ms. Auchstetter went over the convenience fees.

The Village Board has a brief discussion on the on-line payment process. The Board concurred with the service.

DISCUSSION OF SUBDIVISION PHASING

Mayor Baldermann reported that this subject had been brought up at a recent meeting and was said to be brought back for further discussion.

Ms. Ellis reported the Village's Subdivision Code provides that an approved preliminary plat is valid for a 12-month period, provided that the developer obtains the Plan Commission and Village Board's approval of a final plat for an area comprising at least 20 percent of the gross area included in the preliminary plat within that year. Additionally, the developer must obtain final plat approval in increments of at least 20 percent in succeeding 12-month periods until the subdivision is completed. The Subdivision Code does allow the Village Board to grant extensions of these time requirements at its discretion. Ms. Ellis went over a few proposed amendments, the first would be to not establish a maximum and to require a phasing plan to be submitted with the preliminary plat. We can use our judgment based on the size of the development, look at the road network to see if there are logical pieces and then require them to phase it and get that approved every year. Another option would be to look at a sliding scale, if it's a 20-acre preliminary plat you can complete it in a set number of phases.

Trustee Smith had a brief discussion on the impact of roads. He suggested having a construction entrance for subdivisions that are under construction so the roads aren't destroyed by construction vehicles.

Ms. Ellis said there have been some instances where we require the main entrance of a subdivision to be constructed to a higher standard. There have been other subdivisions that we required the developer to post a bond to cover the part that ours, in case there is damage when they are constructing the next phase. Although it's not in our code directly, we have tried to address these issues.

Trustee Smith stated this would be for future subdivisions, not what's already in place.

Mr. Carroll stated Ms. Ellis' first option of requiring a phasing plan would take into consideration infrastructure issues.

Trustee Bowden stated the Board could establish guidelines but also have flexibility within those guidelines.

Trustee Smith amend that code to establish a warranty for the number of phases.

Trustee Butterfield asked in the past has it always been tied to the size of a subdivision.

Ms. Ellis answered no, it's five phase whether is 20-acres or 120-acres.

The Board had a brief discussion of the existing subdivisions.

DISCUSSION OF OPEN SPACE FEES

Ms. Ellis reported as in the past Staff put together a spreadsheet based on surveys of other communities and what they are charging for open space fees. Within the last couple of years some surrounding towns have cut a lot of their fees and seeing results. Our current resolution that has the 50% reduction in the fees is set to expire at the end of the year. Seeing Board direction on whether we want to continue the amount of reduction at which time Staff will bring the authorizing resolution to the next Board meeting that would carry it through 2015.

Trustee Smith asked if the Board should start looking at building up the percentage slowly.

Mr. Carroll stated the Village is starting to see the amount of vacant lots reduce but there's still a large amount.

Mayor Baldermann stated the 50% reduction is a big reason that we have been successful in the housing starts.

DISCUSSION OF SNOW AND ICE REMOVAL

DISCUSSION OF WEATHER SERVICE CHANGE

Mr. Williams reported this is the Public Works Snow & Ice Removal Policy. He went on to discuss the five main section of the policy; snow removal, de-icing operation, parkway damage, mailbox damage and an addendum.

Trustee Smith stated that Mr. Williams did a nice job on the policy which spells everything out.

Mayor Baldermann commended Mr. Williams on his job since becoming Public Works Director.

DISCUSSION OF MUNICIPAL WASTE COLLECTION AGREEMENT – NUWAY DISPOSAL

Mayor Baldermann reported the Village has a seven year agreement with NuWay Disposal but has agreed to extend the contract for 10 years in order to make a deal that if senior citizens, 65yrs old and older, agree to use the 35-gallon toter they will get their bill cut in half. It is the best deal for seniors.

ADJOURNMENT

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 October 20, 2014 was adjourned at 8:52 p.m.

Laura Ruhl, Village Clerk