

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday January 12, 2015
#15-01**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:04 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, Johnson, Dye, Bowden, Madsen 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, Finance Director Kim Auchstetter, Community Development Director/Assistant Administrator Robin Ellis, Public Works Director Brian Williams, Building and Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Deputy Chief April DiSandro and Attorney Chris Spesia

PRESENTATION – Providence Catholic High School Football Team

Mayor Baldermann recognized the Providence Catholic High School's Football Team for being the 2014 IHSA 7A Football State Champions.

PRESENTATION – New Lenox Foot Pantry – Old Plank Trail Community Bank

Representatives of the bank were in attendance to present Kathy Johnson and other representatives of the New Lenox Township Food Pantry with a check for \$10,000 that was raised at their 2014 5K Run/Walk. Ms. Johnson was very thankful.

PUBLIC HEARING – Annexation Agreement for Crossing at Spring Creek

Mayor Baldermann opened the public hearing at 7:16 p.m. Ms. Ruhl provided proof of notice and swore in the petitioner.

Ms. Ellis reported this request involves the property along Summerfield Drive, just east of the Waste Water Treatment Plant, and west of the property that was formally proposed for a regional commercial shopping Center by Forest City. There are two components to this request. The southern 30-acres was annexed into the Village in the late 1980's without an annexation agreement and has been zoned agricultural since that time. The

request for this is to simply rezone it to C-7 Commercial for marketing for future commercial uses. Ms. Ellis went on to report the proposed annexation agreement pertains to the northern 40-acres which is unincorporated. The request is to annex this property and rezone to the R-2 District. When Staff first started meeting with the petitioner there was discussion of what to zone this parcel. The petitioner is representing an investment group that would buy the property and then search for developers. Ms. Ellis stated the concern was what level of entitlement we take it to. She thought the Village would be hesitant to grant high density zoning without knowing what the product was going to be. She said the request is to zone this to the R-2 District, single-family residential district, which does allow for slightly smaller lots than what we've had in more recent subdivisions. In several places of the annexation agreement it refers to coming forward in the future as a P.U.D. Ms. Ellis reported the property is contiguous to the Village limits. With regards to the annexation agreement it has language which talks about a maximum number of units but that would be at the Village's discretion once a P.U.D. or a subdivision plat is applied for. She went on to say without knowing what the uses are its difficult to set forth what the impact fee donations would be so the agreement refers to our annual resolution and requires them to pay all the fees that are required by that resolution. Ms. Ellis said because they are not the ultimate developer she spoke with the Village Attorney about adding language stating nothing would preclude the ultimate developer from coming and negotiating lesser fees if they made sense at the Board discretions. There are also some public improvements that would be necessary before the project could move forward, not knowing what the uses would be it's difficult to pinpoint exactly what the improvements would be. The agreement just acknowledges that roadway improvements exist on paper as well as a water main that would have to be extended. Ms. Ellis stated a SSA is anticipated with a higher rate than we would normally just to anticipate the possibility of private streets which would be established once there was a developer.

Joe Segobiano, representing the applicant, introduced himself and asked for comments from the Board.

Trustee Smith asked if by annexing the property it will limit the Village when a developer comes to the Board.

Mr. Segobiano stated their main focus is to take property to the market and get developers interested. He said given today's economy no one will be interested in this property unentitled. Mr. Sebobiano stated for his company to be able to market this property it needs to have some entitlements on it. He said working with Staff and the Plan Commission it was a collective decision to go with R-2 which gives the Village maximum flexibility if the Board wants more density. He said based on the market he sees a developer who would want to see multi-family, however, the Board has the control over this with an R-2 Zoning.

Trustee Smith disagreed saying the Board has more control when we annex and develop at the same time rather than if we develop property after annexation.

Mr. Segobiano stated they had requested straight zoning but Ms. Ellis required this be a P.U.D. He said this property is bank owned and they see this 40-acres as the engine for that entire area. Mr. Segobiano stated he feels very strongly that they will have interest on this 40-acres within 6-8 months.

Trustee Smith stated that he would like to see the annexation and development come at the same time. He said this is an important area for New Lenox and would not like to take a gamble with this particular annexation.

Mr. Segobiano stated under this current proposed annexation agreement they will be required to have P.U.D. approval, preliminary and final.

Trustee Smith asked Village Attorney Spesia if there is a clause in the agreement that the Village can't be sued if they disagree with us.

Attorney Spesia stated there is no clause that says that. He agreed that annexation is when we have total discretion. We can put a clause in the agreement that says the Village will have absolute discretion. They can agree to give up certain rights.

Trustee Smith asked for language in the annexation agreement giving the Village the final word.

Attorney Spesia said there can be language to protect the Village and gives the Village sole discretion so they can't come in and set up a zoning case.

Mr. Segobiano stated they would be happy to have language that would prevent them from bringing any litigation based on land use.

Mayor Baldermann stated the Board understands what Mr. Segobiano is saying regarding the ability to market the property. He agreed with Trustee Smith regarding making sure the Village is not put in harm's way. Mayor Baldermann asked Attorney Spesia to work with Ms. Ellis on language for the annexation agreement and bring it back to the Village Board's satisfaction. He said the Board wants to see the community grow but also has a responsibility to protect the community.

Trustee Smith asked if language could be added that there has to be a super majority vote for an annexation.

Mayor Baldermann agreed. The Board concurred. This item will come back for first read.

Mayor Baldermann closed the public hearing at 7:31pm.

CONSENT AGENDA

Motion to Approve 11 items on the CONSENT AGENDA #15-01 was made by Trustee Madsen and seconded by Trustee Dye.

- A - Minutes of the Regular Meeting – December 8,2014
- B - Minutes of the Regular Meeting – December 15, 2014
- C - Ordinance #2469 Authorizing the Sale by Public Auction of Personal Property Owned by the Village
- D - Raffle License – Trinity Foundation
- E - Raffle License – Marshall Klein Foundation
- F - Grant of Easement – Silver Cross Administrative Building
- G - Grant of Easement – Joliet Oncology & Hematology Associates

- H - Surety Reduction – Bristol Park Unit 1
- I - Surety Reduction – Bristol Park Unit 2
- J - Surety Reduction – Heather Glen Unit 3
- K - Raffle License – New Lenox PTO

Upon roll call, the vote was:

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

ABSTAIN: 0

NAYS: 0

ABSENT: 0

The motion carried.

ORDER OF BUSINESS

Mayor Baldermann explained the next three agenda items with the Crossings at Spring Creek and will be brought back for first read after the language has been worked out.

Consideration of an Ordinance Authorizing Annexation Agreement – Crossings at Spring Creek – 1st Read

Consideration of an Ordinance Annexing Certain Territory – Crossings at Spring Creek – 1st Read

Consideration of an Ordinance Rezoning Newly Annexed Territory – Crossings at Spring Creek – 1st Read

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann announced that Fleckenstein's Bakery is coming to New Lenox. It will be located in the new re-developed area at Route 30 and Cedar Road.

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 \$155,017.67 and \$1,319,604.17. In addition to this disbursement, approval is needed for bi-weekly payroll in the amount of \$324,849.89 paid on December 26, 2014, a biweekly payroll in the amount of \$332,667.42 and a monthly payroll in the amount of \$5486.67 paid on January 9, 2015.

Motion was seconded by Trustee Madsen

Upon roll call, the vote was:

AYES:	<u>7</u>	Trustees Butterfield, Smith, Bowden, Madsen, Dye Johnson and Mayor Baldermann
NAYS:	<u>0</u>	
ABSENT:	<u>0</u>	

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

William Walter, 1022 Grandview Drive, asked when the BP Gas Station going to close.

Mayor Baldermann stated the Village is working on one last issue and as soon as it's resolved we will close on the property.

Mr. Walter asked about the issue with Nelson Rd extension and Mr. Voss.

Mayor Baldermann stated the Village has filed for condemnation of the property but the door remains open to try and get the matter resolved outside the courts.

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith had no comments.

Trustee Bowden

Trustee Bowden had no comments.

Trustee Dye

Trustee Dye announced Fuller's Car Wash is open.

Trustee Butterfield

Trustee Butterfield had no comments.

Trustee Madsen

Trustee Madsen wished everyone a Happy New Year.

Trustee Johnson

Trustee Johnson had no comments.

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 January 13, 2015 adjourned at 7:39pm.