

# **APPROVED**

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

**New Lenox Village Hall,  
One Veterans Parkway  
Monday July 13, 2015  
#15-17**

### **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 Smith, Johnson, Bowden, Dye, Madsen, Butterfield 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 Administrator Kurt Carroll, Village Clerk Laura Ruhl, Finance Director Kim Auchstetter, Community Development Director/Assistant Administrator Robin Ellis, Public Works Director Brian Williams, Village Engineer Will Nash, Police Chief Bob Sterba, Building and Zoning Administrator Warren Rendleman and Attorney Chris Spesia

### **PROCLAMATION – Lincoln Way West Warriors Competitive Dance Team**

Mayor Baldermann presented the Lincoln Way West Warriors Competitive Dance Team with a proclamation for their accomplishments.

### **PROCLAMATION – Lincoln Way West Warriors Competitive Dance Team**

Mayor Baldermann presented the Providence Catholic High School Boys Varsity Baseball Team with a proclamation for their accomplishments.

### **CONSENT AGENDA**

Motion to Approve 6 items on the CONSENT AGENDA #15-17 was made by Trustee Johnson and seconded by Trustee Smith.

- A - Minutes of the Regular Meeting – June 22, 2015
- B - Ordinance #2507 Creating Class TE Liquor License – Country in Commons
- C - Resolution #15-21 Amending the Village Issued Credit Card Policies and Procedures

- D - Resolution#**15-22** Authorizing Execution of a Tolling Agreement, Acknowledgement of the Pennant Non-Disclosure Agreement, and Tolling Agreement Termination Side Letter
- E - Resolution #**15-23** Authorizing Bi-Annual Highway Maintenance Agreement - IDOT
- F - Approval of Purchase – Scaffolding – Public Works

Upon roll call, the vote was:

<b>AYES:</b>	<u>7</u>	Trustees Butterfield, Smith, Madsen Johnson, Dye, Bowden and Mayor Baldermann
<b>ABSTAIN:</b>	<u>1</u>	Trustee Madsen - <b>Item A</b>
<b>NAYS:</b>	<u>0</u>	
<b>ABSENT:</b>	<u>0</u>	

The motion carried.

### **ORDER OF BUSINESS**

#### **Consideration of an Ordinance Granting Special use for a Final P.U.D. Plat – Bristol Park Phase 3 – 1<sup>st</sup> Read**

Ms. Ellis reported that Phase 3 of Bristol Park is located off of Laraway Road. This Final Plat includes 30 lots for single-family homes. There are two lots that exceed 20,000-square feet and our ordinance would typically require 100-foot of frontage and often times they increase the front yard set-back but because this is very isolated they do show a 37-foot front yard set-back. Staff is recommending approval of the subdivision code waiver to maintain consistency of the street front.

#### **Consideration of an Ordinance Granting Special Use for Final P.U.D. Plat – Heather Glen Phase 4 - 1<sup>st</sup> Read**

Ms. Ellis reported this is the last Final Plat for the single-family portion of Heather Glen which consists of 55-lots. All the lots meet the minimum requirements with the exception of two of the lots that are larger and require a 90-foot frontage, In this case rather than do the larger set-back Staff's recommendation is to retain the 30-foot setback through the curve. The curve also requires a subdivision code waiver because of the radius, but it does meet the fire truck turning and there are no issues with emergency services.

#### **Consideration for Approval of an Ordinances Authorizing Development Agreement & Granting Special Use for Preliminary P.U.D. Plat - Lincoln Station Apartments – 1<sup>st</sup> Read**

Mayor Baldermann stated as the Board and the community are aware there was a Special Meeting regarding the Lincoln Station Apartments. There were a number of residents in attendance that had a lot of good comments and questions.

Ms. Ellis reported that the Development Agreement requires the developer of Lincoln Station to acquire the existing Statuary for a potential commercial re-development. At the Special Meeting there were some questions and comments raised about what was

previously approved on this site. To remind the Board the former Lincoln Station included 178 condominiums and 28 townhomes, a total of 204 units which is a lower than what is currently proposed. This development did received Preliminary P.U.D plat approval but the developer never followed through with Final P.U.D. plat there were no final engineering plans. If you recall a lot of the questions and comments at the Special Meeting had to do with density and parking, all of those deviations from the Zoning Ordinance are included in the ordinance that would grant the P.U.D. Based on the public comments Staff is looking for Board comments on final draft of the documents before they are presented for second read at the end of this month.

Petitioner had nothing to add at this time.

Trustee Dye asked in Ms. Ellis' report it says the drainage and floodplain are subject to the review and approval of the Army Corps of Engineers. Is this something that we anticipate will be positive and how long can this take, this can be very lengthy approvals.

Ms. Ellis stated this has to do with the floodplain that cuts through the southwestern portion of the property. They are aware of this and need to get further with their plans before they make formal application to the Army Corps of Engineers.

Mr. Gammonley, representing Lincoln Station Apartments, informed that they have made a formal application to the Army Corps of Engineers.

Mayor Baldermann stated at the Special Meeting the petitioner made a good presentation and they have a very good product. There were a lot of good questions and comments from the public with the most significant and most relevant having to do with the lack of parking and the impact on traffic. He asked Ms. Ellis if our ordinance calls for three parking spaces per unit.

Ms. Ellis stated our Zoning Ordinance for multi-family is three spaces per unit plus a guest space for every 10 required spaces. So it comes out to about 3.1 parking spaces per unit.

Mayor Baldermann stated with the without the land bank the petitioner would be at 1.6, and 2 parking spaces with the land bank.

Trustee Bowden stated they still won't meet our standards even if they use the land bank.

Trustee Smith commented that it all ties into density. The previous proposed development was 204 units before, and now they are adding another third. Density ties into everything, and from talking to people that is the main issue. The product is beautiful but the density is high.

Trustee Bowden echoed Trustee Smith.

Trustee Madsen stated the traffic study was done a week before the Christmas, does the petitioner think this was too close to a holiday and the numbers may be off. A lot of commuters take time off around a holiday. There are 1076 parking stalls in the Metra Lot and Metra did a study last year which found that on any given weekday are 75% are spaces filled.

Mr. Kline stated the traffic consultant didn't see an issue with that and thought because of the railroad the traffic might be higher around a holiday. As far as the density, the prior plan had a much larger number of 2-3 bedroom units so if you look at the bedroom count from our plan we have about the same number of bedrooms overall. The Village had asked the developer to have predominately one-bedroom apartments which matches what we are targeting.

Trustee Bowden expressed her concerns with the parking. She does not believe there will be ample parking. She said with the one or two bedroom apartments will most likely be adults living there.

Mr. Kline agreed but with the number of one bedroom apartments we would not expect them all to be occupied by two people.

Trustee Bowden noted from experience having a family member living in a senior housing development the parking was always an issue when family members would come to visit. The concern is the one or two people living in these apartments that drive vehicles as well as the guests. This location would definitely need more parking. Trustee Bowden stated she does not believe there will be ample parking. She went on to discuss the traffic flow in that area and how this development will negatively impact this already congested area.

Mr. Kline said he has worked with several developers with similar projects and a one bedroom unit might have 40%-50% single occupancy. The single occupant will not need the three car spaces to serve them. The two bedroom units will more likely be a double occupancy but some of those might still only have single vehicle.

Trustee Bowden stated she's not convinced that the units will be single occupancy considering the high price point.

Mr. Gammonley stated this is why there are studies. He went on to say according to the study the average parking spaces is 1.56. Apartments with the average of 895 square feet, 50% of the units occupied by one person this means of the 190 units 95 will have one car. The original site was approved at over 200 units which were big townhomes and condominiums. Our footage is the same as the previously approved units except our units are smaller.

Trustee Bowden said she would like them to be prepared with two parking spots instead of one.

Mr. Gammonley stated they are looking at what the average is and what studies have proven to be. The land bank is there for up to 2.0 parking spots per unit. It can sit there and be additional green space until we discover there is a need.

Trustee Bowden asked Ms. Ellis why we would go down from the 3 parking spaces.

Mayor Baldermann stated it's actually 3 plus 1 for every ten.

Trustee Bowden asked what advantage this would be for the Village and the residents.

Ms. Ellis stated there was discussion at the Plan Commission meeting regarding what guest parking needs would be after hours and on weekends when you have the availability to use the Metra Lot spaces. That is why there wasn't as much concern with the guest parking. With regards to the number of units, because the units are smaller the benefit to considering a lesser parking requirement is so you don't have asphalt that creates run-off, urban heat islands. So the trade-off is more open space. We don't have any comparable projects in the Village to be able to say this what the average is.

Trustee Bowden said whoever is living there is going to need a car unless they are going on the train.

Ms. Ellis stated a lot our existing rentals were developed before the Village had the parking requirements and are probably under parked according to our ordinance.

Mr. Gammonley stated we are basing our parking on what we've seen as a history of need. He said he would rather see the green space and trees.

Trustee Bowden commented on the overloading of the existing traffic flow that's there right now.

Mayor Baldermann said they have the traffic study which shows what they anticipate happening. Let's assume the developer is correct in that 40%-50% of the one bedroom units will have one occupant. You also have to assume in this case they will all have a car, even if it's one. We are starting to develop our downtown area by taking down some of the old buildings and working on others. The amenities don't exist at the moment for people to walk to local businesses, but we believe we will develop in that area eventually but not at this time. Mayor Baldermann discussed his history with multi-family and the parking issues.

Trustee Smith stated as a Village we have not had the best experiences with apartments when it comes to parking and density.

Mayor Baldermann said the Board likes the quality of the product, the amenities, building materials, the 65% one-bedroom and the location, but density is the issue. The last proposed development was 204-units and this proposed development is 312-units. Mayor Baldermann asked Ms. Ellis what the parking count was for the development that was approved in 2007.

Ms. Ellis said she believes it was 2 per unit and guest parking, 2.1 - 2.15.

Trustee Bowden stated that was an argument back then.

Trustee Madsen commented if the Village is proposing to put a new train station to the east he thinks the parking will shift to the east side of the lot.

Trustee Johnson mention if a new train station is built on the east side of the parking lot the traffic might lighten some of the backup traffic on Cedar Road and Route 30. Right now it is very congested.

Trustee Smith stated he feels that the Village needs to do an entire traffic study of Cedar Road and figure out the impact of making Cedar Road to four lanes. It will be a while before Nelson Road goes through and there's no way to go north from Gougar to Cedar and from Cedar to Schoolhouse. At this time Trustee Smith discussed the impact that Cedar Road has on the whole town.

Mayor Baldermann once again stated the Board likes the product, likes the building and materials but the concerns that exist are the parking spaces and traffic which is a result of the density.

There were no other comments from the Board.

Mayor Baldermann said this week there will be some discussion with the petitioners on this issue and will come back before the Board.

Mr. Gammonley thanked the Board and in closing they made changes that impacted their budget and asked the Board keep that in mind.

Mayor Baldermann stated the Board is not insensitive to this and understand the business end, however, when the Board makes a decision we can't and don't take their budget into consideration. We can't make a decision based on your economics, we make a decision that we feel is best for our community.

## **REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

### **MAYOR**

Mayor Baldermann reported on the upcoming County in the Commons series that is on sale at the Village Hall for \$50.00. August 16<sup>th</sup> is Joe Nichols and August 30<sup>th</sup> is The Band Perry.

Mayor Baldermann reported on the Band & Brews event scheduled for August 1<sup>st</sup>. This is a free event with no outside liquor permitted. There will be craft beer for sale and the concession stand will be open for food.

Mayor Baldermann reported because of all the rain the mosquito trucks have been out spraying every night.

Trustee Bowden reminded that in our Village Newsletter we posted a number to call if a resident wants to be notified when the mosquito trucks are out.

Mayor Baldermann announced that the Metra Crossing at Cedar Road will be closed for repair.

Mr. Nash reported that Metra will be doing work at that area starting August 5<sup>th</sup> through August 14<sup>th</sup>. This crossing will be closed to through traffic. Staff is working with Metra to make sure they have access to the WWTP and emergency vehicles and making sure that signs are posted.

Mayor Baldermann said the Village needs to get signs up ASAP to notify our residents and non-residents.

Trustee Bowden commented on how bad the Metra tracks on Laraway Road are.

Mr. Nash reported he had mentioned this to Metra and they are looking into this. He will follow up with Metra and report back to the Board.

Trustee Bowden asked if signs could be posted saying the rough crossing.

Mr. Nash said there is a sign going eastbound. He will talk to Metra regarding more signage.

Trustee Butterfield reported that Laraway Road will be four lanes in the future.

Mr. Nash reported the Cedar Rd at Laraway Road intersection is going to be expanded to two lanes in each direction which will tie into where it's two lanes west of the railroad crossing, so it will be four lanes from Cedar Road through Calistoga Drive. This project should start in the spring of 2016.

#### **VILLAGE ATTORNEY**

No report.

#### **VILLAGE ADMINISTRATOR**

Mr. Carroll announced there will not be a Council of the Whole Meeting in July.

#### **PAYROLL & DISBURSEMENTS**

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$1,340,780.53 and a manual disbursement in the amount of \$16,191.39. In addition to these disbursements, approval is needed for a biweekly payroll in the amount of \$370,554.92 paid on June 26, 2015 and a biweekly payroll in the amount of \$359,558.60 paid on July 10, 2015 and a quarterly payroll in the amount of \$6,391.67 paid on July 10, 2015.

Motion was seconded by Trustee Butterfield.

Upon roll call, the vote was:

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

The motion carried.

**Mayor Baldermann thanked the Public Works Department volunteered their services to Coal City after their recent tornado disaster.**

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

Bill Walter, 1022 Grandview Drive, discussed the approval of an addition to the New Lenox Food Pantry located in the New Lenox Township. The proposed 30x50 foot

addition is for the purpose of storing non-perishable foods. The addition will have four walls, roof with no heat and be on township land and attached to the New Lenox Township building. Mr. Hickey met with Village Staff and the New Lenox Fire District (NLFD) and was told there were no issues regarding the NLFD but was told by the Village they need to go before the ZBA. The ZBA came back with seven things they wanted done.

1. Re-asphalt the parking lot
2. Plant shrubs
3. Re-stripe the parking lot
4. Move the fence

The second time they met with the NLFD they were told they needed to install another fire hydrant. There is a fire hydrant that is 25-feet from the new building and there's one that's already 90-feet. The cost of the fire hydrant is \$10,000. We don't have that kind of money not even to do a parking lot improvement. We are trying to help the food pantry. Can we have an intergovernmental agreement and get it done. There are 1200 people that use the food pantry every month.

Mayor Baldermann stated we have worked very closely with the New Lenox Township on this project, we have waived fees and done everything we can. Mayor Baldermann received a call from the NLFD who said this is a life safety issue as it pertains to the fire hydrant. The NLFD is trying to find a way to work through this issue. Mayor Baldermann said we will work with anyone but we have to be very careful if it's a life safety issue. The Fire Department said this is a life safety issue but they also said they are going to try and work through it. The Village has not done anything to road block this issue.

Ms. Ellis said this did not have to go the ZBA but this is a Site Plan. There was a preliminary meeting a few months ago where the Township had brought a partial Site Plan so it was very confusing in defense of the NLFD. They didn't have an overall Site Plan so we are trying to piece everything together to figure out where this is going and how it relates to parking. Even though the addition pertains to storage there will be a lot of families visiting this area so we wanted the Township to look at the parking which requires handicap parking per the State Accessibility Code. We had a preliminary meeting with them this past Thursday to go over the concept plans and provided them with comments. They finally got all the required documents into Staff and the building material do not meet our code even though we were very clear at the preliminary meeting. They proposed some new product that they were going to provide to the Building Department with a sample so we can determine whether or not it would be something that we would be open to which was Thursday. We are continuing to work with them and are hopeful that this may be brought to the Village Board before the end of the month. We waited on them for some time to re-submit the details and when they did submit they didn't meet our code.

Mr. Carroll stated that Staff has bent over backwards and have worked hard to accommodate them to get this project moving but at the end of the day it's a life safety issue.

Mayor Baldermann stated we will fast track anything if it makes sense and if it's good for the community, like the Food Pantry. There are too many comments from the NLFD. We will do everything we can but if there's state and fire issues are hands are tied.



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 the Village Clerk Laura Ruhl were in attendance when the Board reconvened at 9:07pm.

Nancy Dye had left the Executive Session at 8:45pm

Motion to reconvene to regular session was made by Trustee Smith and seconded by Trustee Johnson. Upon voice vote, the motion carried.

**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 July 13, 2015 adjourned at 9:08pm.

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Laura Ruhl, Village Clerk