

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday September 28, 2015
#15-25**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:00 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 Johnson, Bowden, Butterfield, Finnegan, Smith and Mayor Baldermann

Absent - Trustee Madsen

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 Clerk Laura Ruhl, Community Development Director/Assistant Administrator Robin Ellis, Finance Director Kim Auchstetter, Public Works Director Brian Williams, Village Engineer Will Nash, Police Chief Bob Sterba, and Attorney Chris Spesia

PUBLIC HEARING – Annexation Agreement – Cherry Hill Business Park/Rail Park Phase II – Steve Pella

Mayor Baldermann opened the Public Hearing at 7:04pm. Laura Ruhl, Village Clerk provided proof of notice. At that time no one from the audience stood up to be sworn in to speak.

Ms. Ellis reported this property is about 40-acres just south of the church that's on the corner of Gougar Road and Berens Drive. The request is an annexation and rezoning to the I-1 Limited Industrial District. The property is contiguous both to the north and to the east. The Plan Commission held a Public Hearing on September 1st and recommended approval of the annexation and rezoning subject to the successful negotiation of an Annexation Agreement. The proposed Annexation Agreement is very similar to Annexation Agreements that were done for other phases of the Cherry Hill Business Park.

Article III, as in other agreements, the language in this section would freeze the Zoning Ordinance and Subdivision Code to the codes that are in place at the time of annexation.

This is not something that we have typically done in the past it is in all of their other Annexation Agreements.

Article IV lists a number of Zoning Ordinance and Subdivision Code deviations, again there is nothing new in this section. Subsequent to our approval of the first Annexation Agreement some of these deviations have since been written into our code so when we revise the document some of them could be deleted.

Article VII talks about sanitary sewer line construction, it does not require a warranty period. Again, this is something that had been in other Annexation Agreements but we wanted to call attention to this language. This section should also reference a recapture fee that's owed to Jacob's Field, LLC. for the Gougar Road truck sewer. The representatives for Northern Builders have been told about this fee, but this should also be put in the agreement.

Article VIII talks about water mains. There is language requiring the Village to extend water to serve this property. Currently there is a water main at Laraway and Gougar Roads as well as just to the north property line of the subject property so Staff's opinion is that provision is not applicable in this case. The Public Works Department is recommending that we require the extension of the water main along the properties frontage along with their first building permit.

Article X talks about road improvements. Gougar Road is under the jurisdiction of the Will County Highway Department. They are not anticipating constructing another road out to Gougar Road but there will likely be right-of-way dedication required by the county so there is language in this article that talks about the setback being measured from the current right-of-way line, typically we do it from the final right-of-way line. Staff pulled up the site plan for StarCon which looks like the setback was applied from the new right-of-way line so Staff requests that this change be made.

Article XI states the Annexation Agreement proposes a maximum building permit fee of \$100,000. This is not something that was included in other agreements. They have proposals in on a lot of large projects, so one possibility is this could be developed with one large building that would be combined with the undeveloped parcel to the north which could be as large as a million square feet. Mr. Rendleman ran some numbers and if that was the case the permit fee would be closer to \$680,000. Staff is not comfortable with the \$100,000 cap so we are looking for any Board input on if we want to include a maximum cap.

Mayor Baldermann asked if the petitioners have any objection to the language excluding the permit cap.

Steve Pala, agent for Northern Builders, stated that they have not had an opportunity to meet with Staff to discuss any of the comments at this point. In general, it seems these are pretty standard development requirements. If these are requirements that Staff would like to have then they are things that Northern Builders would accept.

Mayor Baldermann stated regarding the permit cap, this is something the Village Board can address at another time if they feel they need to be competitive to help Northern

secure a larger site. But would not personally feel comfortable with limiting the permit fees at this time.

Trustee Smith stated he agrees with the Mayor and Staff regarding the permit cap.

Mayor Baldermann stated once again, the Village Board can always consider something in the future if we feel it's in the best interest of New Lenox but will not just limit the permit fees. This Board has always been very receptive to bringing business and understanding the big picture and sometimes make a deal that makes sense for everyone.

Mr. Pala stated they will work with Staff to add language where this will be addressed at the time a proposal comes to the table.

Mayor Baldermann said the Board is always ready to work together but they are not comfortable with the permit language.

Trustee Smith read in Ms. Ellis' report that Northern will continue with the existing berm so the residents in Jacob's Field will not have to look at the buildings.

Trustee Butterfield asked if the water main is existing on the south border of Phase I.

Ms. Ellis stated it is about 700-feet south of Berens Drive.

Mayor Baldermann stated he's confident that Staff and Northern Builders will be able to work through any issues.

Mayor Baldermann closed the Public Hearing at 7:12p.m.

PUBLIC HEARING - Amendment to Annexation Agreement – Deer Point South – Jim Kamp

Mayor Baldermann opened the Public Hearing at 7:13pm. Laura Ruhl, Village Clerk provided proof of notice. Ms. Ruhl swore in any speakers.

Ms. Ellis reported Deer Point South is a development that was approved back in 2005 at the southwest corner of Laraway Rd. and Schoolhouse Rd. At the time it was annexed it was given three different zoning classifications; C-3 Commercial along Laraway Rd., C-1 in the middle which was anticipated for an office development, and R-2A for 69-lots. Parkview Christian Church approached the Village several months ago about locating a satellite facility and has come forward with some plans that necessitate amending the Annexation Agreement. The C-3 increases from about 24-acres to almost 30-acres, the C-1 would just be the church facility and is a little over 9-acres, the R-2A goes from about 42-acres to just under 41-acres and the revised concept plan results in 65 lots instead of 69 lots. The average lot size is fairly consistent and the roadway network is very similar. One change with the church going in and the reconfiguration of the detention ponds along the western portion of the property, High View Drive will no longer become a connecting road from the unincorporated Grassy Knolls Subdivision out to Schoolhouse Rd. The Plan Commission held a Public Hearing on the amended rezoning back in August and recommended approval. With regards to the Annexation Agreement some of the obligations will fall on the church, but the church is not a party to the agreement. We need to include them or the language needs to obligate the owner to make certain

improvements because the Village can't enforce a private agreement between those two private parties.

Article III references two zoning district deviations as it pertains to the church. The C-1 District has a maximum building size of 25,000 square-feet, they are requesting 28-30 thousand square-feet so the maximum of 30,000 square-feet should be included in the agreement. The maximum height in the C-1 District is 35 feet and the proposed height of the church could be at high at 40 feet 6 inches because of a cross. Staff has no problem with this.

Another provision is the Concept Plan has a shelf life of two years of which time they will have to get preliminary plat approved and either move forward or get an extensions, this is another possible provision that can be added. The Concept Plan itself needs to be amended, it shows a 10-foot trail along portions of Schoolhouse Road but a typical sidewalk along the churches property would need to be 10-feet along that entire length.

The Annexation Agreement needs to be more specific with the obligations of when certain improvements are being built. For example, the trails would be constructed with each phase of the development as part of the public improvements. There's also a need to extend a 16-inch water main along the Laraway Road frontage and the Public Works Department is requesting that be required with the first commercial building permit. The church is proposing to construct a portion of the storm water detention facility which was the subject of a lot of discussion at the Plan Commissions public hearing. The engineers have since met and have determined it can work. The primary purpose of doing this is if all that's being developed in the 9-acres is the church, it is not going to create enough run off to fill what's designed to be a wet bottom detention pond. It is also not feasible to over excavate for a larger pond without balancing the rest of the site with dirt. One thing that showed up in the amended agreement is the NLCPD will take ownership and maintenance of the pond but NLCPD has not been approached yet. This will have to be worked out before it is brought back to the Board.

Another issue for discussion is the construction of Schoolhouse Road. When Sky Harbor was annexed and developed they dedicated 50-feet of right-of-way from the center line, we are requesting the same 50-feet be required from this property. Sky Harbor also developed/reconstructed to our minor arterial standard, basically 24-feet of pavement which is required for the current Annexation Agreement. Through discussion with Staff and looking at the change in uses and traffic patterns, recognizing that it is a church, we asked the petitioners to do a traffic study to justify the improvements. With some striping variations the traffic study showed that Schoolhouse Road needs to be that 48-feet of pavement, which is our minor arterial standard, to Whitetail Run which aligns with High View Drive. There is some tapering for turn lanes but then south of there could probably get by with the 3-lane cross section, one in each direction, and turn lanes. Traffic Study also said that at some point if everything on this property and Sky Harbor and within the surrounding area develops a traffic signal may be needed at that northern road that connects Laraway to Schoolhouse Roads. The agreement does not address who is ultimately responsible for constructing this road if it is needed.

Trustee Butterfield asked if this can be written into the commercial part of the agreement.

Ms. Ellis stated what we would typically do is assign 25% of the cost to each one of the corners. This is something that will need to be addressed in the future.

Ms. Ellis stated in an anticipation of the Park District accepting the detention pond there is language in the amended agreement saying a Homeowners Association would not be required and it doesn't include our backup dormant SSA. Even if the Park District were to accept the detention pond there is still perimeter landscaping requirements along Schoolhouse Road so some entity needs to be put in place to maintain that.

The petitioner did not want to add anything at this time.

Trustee Smith commented nice job on keeping the lots almost the same sizes. He expressed concerns regarding the traffic in the area. He would like to see the roads get pushed in asap. Since High View will be a dead-end street, should we look at vacating the street?

Ms. Ellis stated west of the property is the New Lenox Township jurisdiction.

Trustee Bowden asked if there is any way we will be able to address the traffic flow until a light is installed.

Ms. Ellis stated this has been discussed and when this was before the Plan Commission. the petitioner was proposing a temporary access point from Schoolhouse Rd and as the traffic study bore out they really need to construct that road through the commercial area so there is the ability for at least eastbound travelers to enter the site from Laraway Rd. without having to go onto Schoolhouse Rd. Then they can get into the church parking lot. The church put a lot of thought into the layout of their site. That is why there adamant there need to be two access points. They have centered the building in the site so they have a north and south parking lot and the building itself is set up so that people can have equal access regardless where they park. The petitioners know there needs and have learned from the Orland Park campus.

Mayor Baldermann asked Ms. Ellis to once again discuss the detention because this was a concern at the Plan Commission meeting.

Ms. Ellis stated it will be a wet bottom detention.

Mayor Baldermann asked for residents who wanted to speak.

Ms. Owens, said she has lived in Sky Harbor for over three years and it is already congested. She expressed her concerns with the traffic. Ms. Owens stated she has been by the Parkview Christian Church in Oland Park and has been stuck by traffic.

Mr. Campbell, lives in Sky Harbor, expressed concerns with the traffic.

Ms. Murray, lives in Sky Harbor, stated she is not against the church but has concerns regarding the traffic. She added that she would like to see signs put up in Sky Harbor saying "No Exit" so people don't use the subdivision as a turn-around.

Mayor Baldermann said he thinks the concern is not when the cars are entering the parking lot it's when the cars are leaving the parking lot. Anyone that is going westbound on Laraway Road will have to exit onto Schoolhouse Road from the church.

Michael Werthmann of KLOA Consulting conducted the traffic study. He said the church will have its peak activity on Sunday mornings at 9:00am and 11:00am. The traffic volumes at that time are much lower than they are during the peak times. We will have three points of access to the church. One on Laraway Rd, right-in right-out, and then two on Schoolhouse Rd. To mitigate the impact we are proposing a number of improvements. There will be a 3-lane section on Schoolhouse Rd, one lane in each direction with a left turn lane that will serve both Deerpoint South and Sky Harbor. In addition, separate right turn lanes southbound will be provide to each of the access drives into Deerpoint South and if need be the church will use traffic control aids or police officers to help get the traffic out after the services.

Mayor Baldermann expressed his opinion that most people that don't go east on Laraway Rd will come out on to Schoolhouse Rd and go north. He stated that he understands that this issue is only a couple of times on Sundays but it will be gridlock for 15-minutes under the current conditions that we are talking about. Unless there is some sort of traffic control the people in Sky Harbor will have a tough time getting out of the subdivision during this time. There won't be a lot of people coming out of Sky Harbor but if it happens then they will have to stop the church traffic to let them in.

Mr. Werthmann stated it will be stop sign controlled on the Sky Harbor side and the side of the church. So you will both have the right-of-way so whoever gets there first will pull out.

Mayor Baldermann said he doesn't think the issues are that great but we can't minimize the impact of someone coming out of Sky Harbor during the two peak times. He said it will take forever to empty the church parking lot if they all stop at the stop sign leaving.

The Board briefly discussed the traffic from St. Jude church.

Mayor Baldermann asked Ms. Ellis what the ultimate plan for access to Sky Harbor.

Ms. Ellis stated without seeing the preliminary plat, her recollection is that the detention ponds for the buffer along Schoolhouse Rd. so High View Drive is the only access that subdivision will have onto Schoolhouse Rd. Then there would be access to the east when that parcel develops and then when the commercial develops there would be a signalized intersection that aligns with Tower Lane to the north.

Mayor Baldermann said there will be access out to Laraway Rd. by Mc Donald's. He noted this is in the future.

Mayor Baldermann closed the public hearing at 7:47.

CONSENT AGENDA

Motion to Approve 7 items on the CONSENT AGENDA #15-23 was made by Trustee Bowden and seconded by Trustee Johnson.

- A - Ordinance #2516 Amending Ordinance #2402 Class D1 Liquor License – Bulldog Ale House – 2nd Read
- B - Ordinance #2517 Approving Agreements with IDOT for the Transfer of Streets to Municipal Street System – 2nd Read
- D - Ordinance #2519 Creating Class TE Liquor License – Boo & Brew – New Lenox Park District
- E - Approval of Bid Award – Public Improvements – Water Chase Estates
- F - Surety Release – Pep Boys
- G - Ordinance #2520 Declaring Surplus Vehicles and Authorizing Sale at Auction
- H - Minutes of the Council of the Whole Meeting – August 17, 2015

Trustee Smith requested that Item C be pulled and discussed separately.

Motion to approve the 6 items excluding Item C of the Consent Agenda was made by Trustee Bowden and seconded by Trustee Johnson

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Smith, Finnegan, Butterfield, Johnson, Bowden and Mayor Baldermann
ABSTAIN:	<u>0</u>	
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Madsen

The motion carried.

- C - Ordinance #2518 Chapter 94, Article II, Division 5, Section 94-142 of Village Code – Sewer Rates – 2nd Read

Trustee Smith commented that he had talked to a lot of people over the last couple of weeks who are concerned about the impact to their sewer and water bills. He said the most comments to him were to have the Village keep the tax rebate money and don't raise the sewer rates. Trustee Smith asked if the Board could send out a survey to the residents asking if they would like to keep the tax refund and increase the sewer rate or, stop the tax refund and keep the sewer rates as is.

Trustee Bowden expressed her concerns with a survey and the percentage of the responses. If we got a really good solid return she would be more comfortable but if you only get a 25% return that's not an accurate survey.

Trustee Smith stated he thinks there would be a good response.

Trustee Johnson agreed with Trustee Bowden.

Mayor Baldermann said this will have to include the vehicle stickers also. He said with about \$1 million with the property tax rebate and \$300,000 with the vehicle stickers and the enforcement of the stickers.

Trustee Bowden said does this mean the sewer rates will never go up? How long will the freeze on the sewer rates be? Five years from we don't want to have to tell our residents that the rates are going up.

Mayor Baldermann said the decision to raise the sewer rates is not a popular one. All the Board members and Staff try to be as conservative with the tax dollars as we possibly can. We try to provide the services for our residents and the most efficient rate. Sometimes we have to do things that are unpopular, maintaining WWTP's and water rate increases, etc. that cost money. We are all sensitive to resident's budgets but it's the cost of doing business. The rates of some surrounding communities, some that don't have Chicago water, are higher than New Lenox. The Board gets elected to represent the over 25,000 people that live in New Lenox and do what we think is best. The majority of the people don't like the increase but know it's the cost of doing business and trust that the Board is doing what we can.

Trustee Smith stated this is something that needs to be done and he's not changing his vote but he was asked about conducting a survey.

Mayor Baldermann said the question has been posed by Trustee Smith to move forward or do we conduct a survey weather they would prefer the increase of defer it as much as we can with the property tax and/or vehicle stickers.

Trustee Bowden said when she votes for an item or issue she believes it's in the best interest of the community and having to impose the sewer increase is in the best interest. This is not something that we want to do this is something we need to do. She went on to comment on the low responses at the elections. Trustee Bowden concluded that she has done her homework and this is the only way to improve on the quality of life in the community. She asked the residents to trust the elected officials that they have done their homework and they are telling you this is what we must do. We cannot guarantee that stopping the tax rebate and adding the vehicle tags will stop an increase in the future. This is what we must do and we are all getting the increase. Trustee Bowden stated she is not in support of the survey at this point in time.

Trustee Butterfield said the cost of water might go up also.

Trustee Bowden commented on the cost to conduct a survey.

No other Trustee comments at this time.

Mayor Baldermann said there were residents that made comments. He asked if there was anyone in the audience that wanted to speak on this issue. There were none.

Motion to approve Item C of the Consent Agenda was made by Trustee Bowden and seconded by Trustee Butterfield

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Smith, Finnegan, Butterfield, Johnson, Bowden and Mayor Baldermann
ABSTAIN:	<u>0</u>	
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Madsen

The motion carried.

ORDER OF BUSINESS

Consideration of an Ordinance Authorizing Execution of Annexation Agreement – Cherry Hill Business Park/Rail Park Phase II – 1st Read

Consideration of an Ordinance Annexing Certain Territory – Cherry Hill Business Park/Rail Park Phase II – 1st Read

Consideration of an Ordinance Rezoning Newly Annexed Certain Territory – Cherry Hill Business Park/Rail Park Phase II – 1st Read

Ms. Ellis reported these three ordinances are authorizing for what was the subject of the above public hearing. Staff will work with the petitioners on the revisions to the Annexation Agreement and bring it back for second read.

Mayor Baldermann stated these items will come back for second read but will remain under Order of Business for more discussion.

The Board concurred.

Consideration of an Ordinance Authorizing an Amendment to an Annexation Agreement – Deer Point South – 1st Read

Consideration of an Ordinance Rezoning Property – Deer Point South – 1st Read

Consideration of an Ordinance Granting Special Use for Church – Parkview Christian Church – 1st Read

Ms. Ellis stated she wanted to raise a couple of things regarding the Special Use for the church. During the discussion of the Annexation Agreement she mentioned that the Plan Commission recommended approval of the rezoning. When it came to the Special Use for the church that's required in the C-1 District there was a split vote with one of the Plan Commissioners being absent. At that time there were questions about the detention and the petitioner had not done the traffic study so this may have had an impact on how the Plan Commission voted. Because this is dealing with a Special Use for the church a lot of the conditions in the ordinance would be enforceable on the church but need to be backed up with obligations under the owner through the Annexation Agreement. For example, if we are going to obligate the church to construct road improvements, they can't do that unless the owner has dedicated the easements or the right-of-way. The two need to go hand in hand which could complicate things. Also, there was some discussion between the petitioner and Staff regarding the access coming out south of the church to White Tail Run. They had proposed two access points so one aligns with a future street and they also have one that is a little western most that would align with some future homes. Staff asked if they could eliminate the western access point. Their feeling is that keeping the

western access as an exit allows greater stacking for vehicles if they are getting out on Schoolhouse Rd. and they indicated a willingness to sign and patrol the street so that the eastern curb cut is entrance and the west would be an exit only. Ms. Ellis asked for Board opinions.

Trustee Bowden asked if the stacking on the south would be all residential.

Ms. Ellis potentially.

Mayor Baldermann stated for the Special Use, if we determine that there is a need for our Police to be out directing traffic the church will need to contract with us to pay the cost.

These item will come back to the Board for second read under Order of Business for more discussion.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann stated he appreciates Trustee Smiths comments regarding the sewer rates. We think long and hard before something is passed and we try to run as efficiently as we possibly can.

Mayor Baldermann reported he had received phone calls on the dangerous conditions at Spencer and Laraway Roads. There have been traffic accidents. Laraway Road is a county road and Spencer Road is a township road. We have no jurisdiction, however we have communicated to county representatives our concerns about this intersection. This intersection is slated to have signalization with the Laraway Road widening. The Board will continue advocating for the residents.

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

Mr. Williams reported on the upcoming Fall Leaf Program. The Village will be picking up leaves from October 5th – November 30th. The goal is to go through the whole town each week. NuWay will also be offering free pick-up from October 26 – December 4th on your normal pick up day. Senior residents can pick up 10 free yard waste bags at the Village Hall.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$301,153.79. In addition to this disbursement, approval is needed for a biweekly payroll in the amount of \$381,658.38 and a monthly payroll in the amount of \$5,261.67 paid on September 18, 2015.

Motion was seconded by Trustee Johnson

Upon roll call, the vote was:

AYES: 6 Trustees Smith, Finnegan, Butterfield, Johnson,

Bowden and Mayor Baldermann

NAYS: 0

ABSENT: 1 Madsen

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments or questions from the floor.

TRUSTEE COMMENTS

Trustee Smith

Commented on the signs in Sky Harbor.

Trustee Finnegan

Trustee Finnegan had no comments.

Trustee Bowden

Trustee Bowden thanked Public Works for the leaf program.

Trustee Bowden commented that the decisions the Board makes are not easy ones. Nobody wants to raise rates. She asked residents to call the Village Hall if they have questions or concerns and please do not rely on social media.

Trustee Butterfield

Trustee Butterfield echoed Trustee Bowden's comments.

Trustee Madsen

ABSENT

Trustee Johnson

Trustee Johnson commented that it was great to see the BP Gas Station demolished and is excited to see the upcoming redevelopment.

RECESS TO EXECUTIVE SESSION

Motion to recess to executive session for pending litigation was made at 8:20pm by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

AYES: 6 Trustees Smith, Finnegan, Butterfield, Johnson,
Bowden and Mayor Baldermann

NAYS: 0

ABSENT: 1 Madsen

The motion carried.

RECONVENE TO REGULAR SESSION

All members of the corporate authorities previously in attendance before executive session including, Attorney Chris Spesia and Village Clerk Laura Ruhl were in attendance when the Board reconvened at 8:35pm.

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 28, 2015 adjourned at 8:36pm.

Laura Ruhl, Village Clerk