

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday January 25, 2016
#16-03**

CALL TO ORDER

The Regular 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 Butterfield, Smith, Bowden, Madsen, Johnson, Finnegan 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, Public Works Director Brian Williams, Building and Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Deputy Chief Bob Pawlisz, Assistant Administrator/Community Development Director Robin Ellis and Attorney Chris Spesia.

PROCLAMTION – Lincoln-Way West Warriors Varsity Football Team 2015-2016 IHSA 5A State Runner-Ups

Mayor Baldermann presented the Lincoln-Way West Worriers Varsity Football Team with a proclamation for being the 2015-2016 IHSA 5A state runner-ups.

CONSENT AGENDA

Motion to Approve 8 items on the CONSENT AGENDA #16-03 was made by Trustee Madsen and seconded by Trustee Finnegan.

- A - Minutes of the Regular Meeting – January 11, 2016
- B - Raffle License – New Lenox Chamber of Commerce - 2016
- C - Ordinance #2539 Authorizing the Sale by Public Auction of Personal Property Owned by the Village of New Leno
- D - Annual Zoning Map Update
- E - Acceptance of Cross Access Easement – Southwest Gastro
- F - Surety Release – Silver Cross Hospital Administrative Building
- G - Surety Release – Joliet Oncology and Hematology

H - Approval of Contract Extension – The Ground Guys

Upon roll call, the vote was:

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

ABSTAIN: 1 Trustee Johnson Item B

NAYS: 0

ABSENT: 0

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of a Request for Extension of Special Use for Preliminary P.U.D. Plat – New Lenox Horizon Senior Living

Ms. Ellis stated in March of 2014 the Village Board approved the preliminary P.U.D. Plat for Horizon Senior Living which is a 53-unit age and income restricted development at Cedar Road and Otto Drive. The petitioner has applied a few times for low income housing tax credits through the state and will be making another application this year. Our ordinance states that a final P.U.D. plat is required within two years so they are before the Village Board to request a one year extension.

No comments or questions from the Board.

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

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

Mayor Baldermann stated the next few first read ordinances were discussed at the January 18th Council of the Whole Meeting.

Consideration of an Ordinance Amending Chapter 6, Alcoholic Beverages, of the Municipal Code – Wineries & Microbreweries – 1st Read

Mayor Baldermann reported this amendment better addresses Wineries and Microbreweries.

The Village Board briefly discussed microbreweries.

Consideration of an Ordinance Amending Chapter 10, Amusements and Entertainment, of the Municipal Code – Article V, Video Gaming – 1st Read

Mayor Baldermann reported the Village Board has amended the video gaming ordinance in the past to allow the VFW, American Legion, the Sanctuary Golf Course and truck stops to have video gaming. He said there has been a lot of interest from our business owners that want to have video gaming. The Village Attorney has put together a proposed ordinance that would allow video gaming in restaurants and bars that have a liquor license and also the establishment must also derive more than 60% of their gross revenue from non-video gaming related activities which will keep gaming parlors out of the community. This proposed ordinance will also control where the video gaming is located in the establishment. Mayor Baldermann stated this will help our local small businesses to survive.

Trustee Butterfield stated this will help the existing businesses without allowing gaming café's. This is a great idea.

Trustee Madsen stated the ordinance is very well written.

Trustees Bowden and Finnegan stated they have no problem with the proposed ordinance.

Trustee Smith stated he will vote no. He added this is not good for the economy or the community.

Mayor Baldermann thanked the Village Board and noted the ordinance will be back for second read.

Consideration of an Ordinance Amending Chapter 56, Smoke Free New Lenox, of the Municipal Code – Alternative Nicotine and Vapor Products – 1st Read

Mayor Baldermann reported this and the next two proposed ordinances address alternative nicotine and vapor products as far as where in the future these businesses can be located. This follows the Smoke Free Act as far as the age for purchase and no smoking in establishments. Existing businesses will still be able to operate under these rules, but any future business that want to come to New Lenox will have to be in an Industrial District.

Consideration of an Ordinance Amending Chapter 54, Offenses and Miscellaneous Provisions, of the Municipal Code – Alternative Nicotine and Vapor Products – 1st Read

This proposed ordinance is in conjunction with the Smoke Free Ordinance and prohibits sales to minors.

Consideration of an Ordinance Amending Chapter 1, General Provisions, of the Municipal Code – Fines & Penalties – 1st Read

This proposed ordinance is in conjunction with the Smoke Free Ordinance and clarifies the Village can use administrative tickets process.

Consideration of an Ordinance Authorizing an Intergovernmental Cooperative Planning and Boundary Agreement with the City of Lockport -1st Read

Mayor Baldermann reported the Village of New Lenox entered into an agreement with Lockport in 1995 to establish a boundary between the two municipalities. This proposed ordinance will extend the agreement another 20-years.

No comments or question from the Village Board.

Consideration for Approval of a Resolution #16-03 Authorizing the Execution of an Intergovernmental Agreement with the Will County Sheriff’s Department for Warrant Services

Mayor Baldermann reported that state law does not require the Will County Sheriff’s Department to provide this service free of charge anymore.

Deputy Chief Pawlisz added the cost they come up with was based on a historical analysis of the number of warrants they have picked up for New Lenox. They will pass on any expense they will incur back to New Lenox.

Mayor Baldermann asked if this is for Bench Warrants as well.

Deputy Chief Pawlisz stated this is for all warrants that originated from New Lenox.

Motion to approve the resolution was made by Trustee Smith and seconded by Trustee Butterfield

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 0

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on the 2016 Triple Play Concert Series. Hopefully within the next month we make the announcement of the upcoming bands. Tentative dates will be Saturday, June 18th, Saturday, July 23rd and Saturday, August 13th. The Village Board went on to talk about the way tickets will be sold.

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 \$310,781.89. In addition to this disbursement, approval is needed for bi-weekly payroll in the amount of \$343,369.97 paid on January 22, 2016.

Motion was seconded by Trustee Madsen.

Upon roll call, the vote was:

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

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Jason, owner of a local vapor shop, explained to the Village Board that there are many different flavors of vapors. We allow the customers that are 18 and older to try/test the different vapor flavors. Jason asked with the proposed new ordinances will he still be able to let his customers try out the different vapors.

Mayor Baldermann asked Jason the process of the vapors.

Jason explained that customers like to try many different flavors before they make a purchase. He explained a Rebuild Drip Atomizer (RDA) has separate tips and the flavor gets dripped on the RDA where then the customer presses a button and the vapor comes out. It is a water vapor that does not stick to clothes and does not smell. They then decide if that's the flavor they want and how much nicotine to add. Trials can be zero nicotine.

Mayor Baldermann stated our ordinance deals with nicotine. If you give out no nicotine then this will be allowed. If there is zero nicotine then the customer can test the vapor, if at any time you allow any nicotine to be smoked in the store you are violating the Village ordinance.

Jason explained there will still be clouds of smoke. There are many different kinds of units, ones that produce a lot of vapor and some that produce very little vapor.

Mayor Baldermann stated for customers just tasting the vapor what is the difference.

Jason stated that some customers bring in their own tanks. They also rebuild the RDA's and put new cotton to drip a new flavor every time a customer comes in. Jason said he will explain to the customer there are zero milligrams of nicotine in the test vapor. As long as we are still able to do trials this will let them at least try the flavors.

Trustee Bowden asked about the other vapor stores in New Lenox.

Mayor Baldermann stated the proposed ordinance still allows the taste test inside the store provided there is zero nicotine of any kind. Mayor Baldermann asked why they can't use the tank with the least amount of vapor for the tastings.

Trustee Smith explained the flavor is in the steam, the more the steam the more the flavor. The nicotine is added to the flavor.

Mayor Baldermann stated the bottom line is if there is zero nicotine used during the testing or any other time, you are not violating the ordinance. If any nicotine is used in the shop you in violation. Mayor Baldermann suggested putting up signs customers can only use the store vapor machines to test the vapor flavors. The store owner is responsible.

The Village Attorney suggested a sign that states any use of nicotine is prohibited.

The vapor store owners understood the proposed ordinance.

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith asked Deputy Chief Pawlisz if the NLPD has a Stingray or some kind of device that picks up cell calls.

Deputy Chief Pawlisz stated we do not.

Trustee Finnegan

Trustee Finnegan said be aware of coyotes, and don't leave your animals unattended.

Trustee Madsen

Trustee Madsen had no comments.

Trustee Bowden

Trustee Bowden commented on the construction debris around the Nelson Road extension.

Mr. Nash will follow up on this.

Trustee Butterfield

Trustee Butterfield commented on coyotes near the CN Railroad tracks.

Trustee Johnson

Trustee Johnson had no comments.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on January 25, 2016 adjourned at 8:05pm.

Laura Ruhl, Village Clerk