

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday February 08, 2016
#16-04**

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:01 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, Madsen, Johnson, Finnegan and Mayor Baldermann

Absent – Trustee Bowden

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, Chief of Police Bob Sterba, Assistant Administrator/Community Development Director Robin Ellis and Attorney Chris Spesia.

PROCLAMTION – New Lenox Mustangs Lightweights Football Team 2015 Super Bowl Champions

Mayor Baldermann presented the New Lenox Mustangs Lightweights Football Team with a proclamation for being the 2015 Super Bowl Champions.

CONSENT AGENDA

Motion to Approve 18 items on the CONSENT AGENDA #16-04 was made by Trustee Johnson and seconded by Trustee Smith.

- A - Minutes of the Council of the Whole – January 18, 2016
- B - Minutes of the Regular – January 25, 2016
- C - Ordinance #2540 Creating Class SE Liquor License – St. Patrick's Day Event – Tom Kelly's
- D - Ordinance #2541 Amending Chapter 6, Alcoholic Beverages, of the Municipal Code – Wineries & Microbreweries – 2nd Read
- E - Resolution #16-04 Releasing Executive Session Minutes

- F - Approval of Proposal – Weed Mowing
- G - Surety Reduction - Bristol Park Unit 1
- H - Surety Reduction – Bristol Park Unit 2
- I - Surety Reduction – Bristol Park Unit 3
- J - Surety Reduction – Heather Glen Unit 3
- K - Surety Reduction – Heather Glen Unit 4
- L - Surety Reduction – Hibernia Estates Unit 2
- M - Surety Reduction – Hibernia Estates Unit 3
- N - Surety Reduction – Hibernia Estates Unit 5
- O - Surety Reduction – Leigh Creek South
- P - Surety Reduction – Windermere Lakes Unit 2
- Q - Surety Reduction – Sky Harbor Unit 1
- R - Ordinance #2542 Authorizing the Sale by Public Auction of Personal Property Owned by the Village of New Lenox

Trustee Smith requested that Item A minutes read that Trustee Smith was absent from the meeting.

Village Clerk Laura Ruhl will amend the minutes to show that Trustee Smith was absent from the January 18, 2016 Council of the Whole Meeting.

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Smith, Butterfield, Madsen, Johnson, Finnegan and Mayor Baldermann
ABSTAIN:	<u>3</u>	Trustee Madsen Item E Trustee Smith Item A Trustee Johnson Item A
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Bowden

The motion carried.

ORDER OF BUSINESS

Consideration of an Ordinance #2543 Creating Class D4 Liquor License – Arrowhead Ale Brewing Company – 1st Read

Arrowhead Ale Brewing Company requested the Village Board waive second read and adopt the liquor license ordinance so they can move forward with the state liquor license.

Motion to waive second read was made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote, the motion passed recording Trustee Bowden as ABSENT

Motion to approve the ordinance was made by Trustee Smith and seconded by Trustee Madsen

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance #2544 Creating Class BG Liquor License – Arrowhead Ale Brewing Company – 1st Read

Mayor Baldermann stated this license is contingent upon any and all clearing through the Building Department. The liquor license can be approved but not issued until the Building Department clears the patio.

Motion to waive second read was made by Trustee Smith and seconded by Trustee Finnegan. Upon voice vote, the motion passed recording Trustee Bowden as ABSENT

Motion to approve the ordinance was made contingent on the Building Department approving the patio was made by Trustee Butterfield and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance #2545 Creating Class D Liquor License – Starbucks Coffee – 1st Read

Representatives of Starbucks addressed the Village Board regarding the launch of Starbucks Evenings Program. There will be an expanded food menu along with a variety of beer and wine.

Trustee Smith asked if they are looking to include the Starbucks in Target.

The representatives stated they are not doing this in the Target Starbucks.

Trustee Smith expressed his concerns with more and more fast food restaurants offering liquor. He asked if the Starbucks will be applying for video gaming.

The representatives stated they will never seek a video gaming license.

Motion to waive second read was made by Trustee Smith and seconded by Trustee Johnson. Upon voice vote, the motion passed recording Trustee Bowden as ABSENT

Motion to approve the ordinance was made by Trustee Johnson and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

The motion carried.

Consideration for Approval an Engineering Service Proposal – Aerohaven Drainage Study

Mr. Nash reported this drainage study for Aerohaven Subdivision coincides with some of the work that will be going on with the Nelson Road extension. This is more for the existing subdivision. The proposal is for \$24,700 from Christopher Burke Engineering.

Trustee Smith asked what the limitations are.

Mr. Nash stated this is for all of Aerohaven Subdivision. The area going down Joliet Highway and Gear.

Motion to approve the proposal was made by Trustee Johnson and seconded by Trustee Butterfield

Upon roll call, the vote was:

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

The motion carried.

Consideration for Approval of an Ordinance #2546 Amending Chapter 10, Amusements and Entertainment, of the Municipal Code – Article V, Video Gaming – 2nd Read

Mayor Baldermann asked if there was anyone in the audience that would like to speak on this ordinance.

There were no speakers.

Motion to approve the ordinance was made by Trustee Madsen and seconded by Trustee Finnegan

Upon roll call, the vote was:

AYES:	<u>5</u>	Trustees Butterfield, Madsen, Johnson, Finnegan and Mayor Baldermann
NAYS:	<u>1</u>	Trustee Smith
ABSENT:	<u>1</u>	Trustee Bowden

The motion carried.

Consideration of Approval of an Ordinance #2547 Amending Chapter 56, Smoke Free New Lenox, of the Municipal Code – Alternative Nicotine and Vapor Products – 2nd Read

Mayor Baldermann asked if there was anyone in the audience that would like to speak on this ordinance.

There were no speakers.

Motion to approve the ordinance was made by Trustee Finnegan and seconded by Trustee Butterfield

At this time someone from the audience stood up to speak-

Justin, owner of Black Wolf Vapes, stated he thinks the new zoning will hurt his business.

Mayor Baldermann told the owner that he will not have to move his business, that he is grandfathered in the current zoning as long as he stays at the same location.

The owner of Black Wolf Vapes stated that he was aware but has concerns that there might be future ordinances that would force him out.

Mayor Baldermann stated that he can't speak for the future but this is an existing lease and business so as long as you stay in the same location the business will not be impacted by this ordinance.

The owner of Black Wolf Vapes stated his lease is coming to an end so this will impact him if he wants to move to another location.

Reed Nuttle, member of the Illinois Smoke Free Alternative Assn. and owner of a Vape shop in Everygreen Park, spoke on behalf of the vapor shops owners.

Jason Gather, affiliated with Black Wolf Vapes, addressed the Village Board in favor of vapor shops owners.

Mayor Baldermann stated the Village is not outlawing your business. The Village Board is working with the owners of the vapor shops in saying the products can be tested in the shops as long as no nicotine is smoked at all. The Village Board does what they think is best for the community.

Mayor Baldermann asked for comments or questions from the Village Board.

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of Approval of an Ordinance #2548 Amending Chapter 54, Offenses and Miscellaneous Provisions, of the Municipal Code – Alternative Nicotine and Vapor Products – 2nd Read

Motion to approve the ordinance was made by Trustee Smith and seconded by Trustee Finnegan

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of an Ordinance #2549 Amending Chapter 1 General Provisions, of the Municipal Code – Fines & Penalties – 2nd Read

Motion to approve the ordinance was made by Trustee Smith and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance Amending Chapter 106. Zoning, of the Municipal Code – Tobacco Shops, Alternative Nicotine Shops and Vapor Shops – 1st Read

This ordinance will change the zoning for the tobacco and vapor shops.

Ms. Ellis noted that the Plan Commission held the required Public Hearing where there were no comments from the public and the Plan Commission recommended approval.

Consideration of an Ordinance Adopting Rules and Regulations of the Board of Fire and Police Commissioners of the Village New Lenox – 1st Read

No comments or questions from the Village Board. This item will come back for second read.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann had no report

VILLAGE ATTORNEY.

No report.

VILLAGE ADMINISTRATOR

Primary Election – Village Clerk Ruhl reported on the upcoming Primary Election.

Tree Trimming Information – Public Works Director Williams reported on tree trimming.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$804,336.91. In addition to this disbursement approval is needed for biweekly payroll in the amount of \$371,706.57 paid on February 6, 2015.

Motion was seconded by Trustee Madsen

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Bowden

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

No comments or questions from the floor.

TRUSTEE COMMENTS

Trustee Smith

Trustee Smith had no comments.

Trustee Finnegan

Trustee Finnegan had no comments.

Trustee Madsen

Trustee Madsen had no comments.

Trustee Bowden

ABSENT

Trustee Butterfield

Trustee Butterfield had no comments.

Trustee Johnson

Trustee Johnson encouraged residents to check their polling locations.

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 February 8, 2016 adjourned at 7:52pm.

Laura Ruhl, Village Clerk