

APPROVED

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

**New Lenox Village Hall,
One Veterans Parkway
Monday October 24, 2016
#16-29**

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.

PLEDGE OF ALLEGIANCE – Boy Scout Troop #755 led the Pledge of Allegiance.

ROLL CALL

Upon Roll Call by the Clerk, the following members of the corporate authorities answered “Here” or “Present”:

Trustees Butterfield, Smith, Johnson, Madsen and Trustee 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, Community Development Director/Assistant Administrator Robin Ellis, Public Works Director Brian Williams, Building and Zoning Administrator Warren Rendleman, Village Engineer Will Nash, Police Chief Bob Sterba and Attorney Chris Spesia.

UPDATE – New Lenox Fire District – Chief Engledow

The New Lenox Fire District gave an update of the Fire Department and explained the Wreaths Across America Fundraiser program.

PRESENTATION – Plaque for Donation – Jerry Watts & Family

Mayor Baldermann and the Village Board presented Mr. Watts with a plaque for his donation of an AED for CERT.

PRESENTATION – IGFOA Distinguished Budget Award – Kim Auchstetter

Mayor Baldermann and the Village Board presented Finance Director/Treasurer Kim Auchstetter with the IGFOA Distinguished Budget Award.

CONSENT AGENDA

Motion to Approve **4** items on the **CONSENT AGENDA #16-29** was made by Trustee Smith and seconded by Trustee Finnegan.

- A - Minutes of the Council of the Whole Meeting – September 19, 2016
- B - Minutes of the Regular Meeting – September 26, 2016
- C - Raffle License – Joliet Area USBC Youth Association
- D - Consideration for Approval of a Resolution **#16-41** Establishing Criteria for Tax Refund Authorized by Resolution 08-33

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Butterfield, Smith, Madsen, Johnson, Finnegan and Mayor Baldermann
ABSTAIN:	<u>2</u>	Trustee Madsen – Item A Trustee Smith – Item A
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Bowden

The motion carried.

Mayor Baldermann commented on Item D – Property Tax Refund. He announced that this year the refund will be 75% of the Village portion of the property tax bill. The deadline to get the applications to the Village is December 15th.

ORDER OF BUSINESS**Consideration for Approval of a Request for Shared Parking Special Location Plan – Lincoln- Way Center**

Ms. Ellis reported the owners of the White Horse Inn are looking to expand into the vacant tenant space to the east of them and to construct a patio. By increasing the square footage of a restaurant use in this plaza results in a shortage of parking under our Zoning Ordinance. Because of different peak times with the other tenants in the plaza there would not be a deficient parking situation. They are also planning to construct 12 additional parking spaces to the rear of the building near the patio. Staff is recommending that those parking spots be for employees only. The ZBA considered this request and recommended approval with the conditions that the 12 parking spaces be constructed prior to a Certificate of Occupancy being issued for the expansion of the White Horse and patio, the shared parking agreement be recorded, and if there is any change in the use that may affect these hours or cause an increase in the number of parking spaces, it would be required that they would have to come back to the Village Board for approval.

Trustee Smith questioned if fire trucks can get back behind the building with the proposed additional parking spaces. He stated it is tight behind the building.

Jim Purvis, architect, stated there is plenty of space behind the building. They meet the required radius that is in the ordinance.

Ms. Ellis said the Fire District did say it's possible that the eastern most parking space added to the back may need to be eliminated. Ms. Ellis noted there is no survey for this property and there has not been a recent one done in many years.

Mayor Baldermann said he would rather be one below the space requirement than there be a danger or an emergency situation.

Ms. Ellis stated right now the spots are unstriped and the dumpsters are not in enclosures. The next request on the agenda is the Special Use for patio which adds a trash enclosure which will make it a safer area. The Fire District is not saying the space has to be eliminated.

Mayor Baldermann stated is the Fire District has any concerns the one space can be eliminated.

The Village Board concurred.

Trustee Smith asked if Code Enforcement can inspect periodically.

Motion to approve the request for shared parking plan 4 was made by Trustee Butterfield and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance Authorizing Special Use for Patio – White Horse Inn – 1st Read

Ms. Ellis reported the owners of White Horse Inn are proposing to construct a patio in the rear of the building. The smoking shelter would be removed and the patio will be smoke free so smokers will have to smoke in the front of the building. Ms. Ellis went over a summary of other Special Use patio's that have been approved for other locations in New Lenox. The application for the White Horse Special Use did not specify their proposed hours for closing. Staff is suggesting to close the patio at 11:00pm during the week and midnight on weekends. There will be canopies over portions of the patio to help contain noise. They are also proposing to have seven speakers on the rear wall of the patio, the recommendation coming from the Plan Commission is to have wall mounted speakers placed under the canopy areas and two speakers on two large landscape areas in the center of the patio. Staff also suggests that the volume levels be controlled to 60 decibels so that the neighbors are not negatively impacted and that there not be any games such as

bean bags or live entertainment. There will be a fence around the entire patio with two gates that would be for emergency exits only so patrons will have to enter through the restaurant. The Plan Commission recommended approval.

Trustee Smith asked if the area residents were contacted.

Ms. Ellis stated the petitioners were required to give notice to properties owners within 250 feet.

Trustee Smith expressed his concerns with the surrounding residential homes.

Mayor Baldermann stated the Village Boards wants to see the White Horse be successful but if there are problems they could lose their Liquor License for the patio.

Ms. Ellis noted that included in the Special Use is a lesser hour can be established by the Liquor License.

Consideration for Approval of a Site Plan and Waiver of Building Code – Mc Donalds

Ms. Ellis reported that McDonalds is planning some site modifications, updating the building elevations and reconfiguring the drive-thru. They will also reconfigure some of the parking, installing some landscaping and in accordance with the Route 30 corridor implementation plan they will installing a sidewalk along Route 30. The building elevations consist of some painted brick and some cultured stone. That product does not meet our Building Code so they are requested a Building Code waiver which Staff is in favor. All of Staff's comments regarding the Site Plan have been addressed.

Trustee Smith asked if they will be taking care of the incline at the west side entrance.

Jim Olguin, on behalf of McDonalds, USA, stated the proposed project is not touching thing in the right-of-way. The new sidewalk is going to be on McDonald's property.

Mr. Rendleman reported that some of that will have to be shaved down to make the ADA spots accessible.

Matthew Nicols, V3 Companies, stated they are doing a full concrete replacement of the sidewalk to make sure it is level.

Trustee Smith asked if they could work with the Village Staff to eliminate the incline of the apron at the west entrance. He went on to ask if they were going to be getting of the canopy for safety reasons.

The representatives answered they are eliminating the canopy.

Mayor Baldermann thanked the long time owners of the McDonalds for re-investing in our community.

Motion to approve the Site Plan and waiver of the Building Code was made by Trustee Smith and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of a Grant of Easement – McDonalds

Mr. Nash requested approval of a grant of easement.

Motion to approve the grant of easement was made by Trustee Finnegan and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of a Site Plan and Waiver of Building Code – Burger King

Ms. Ellis reported that Burger King is doing some updated of the building both interior and exterior. They are relocating the trash dumpster, restriping the parking lot and the ditch that exists on the front will be filled in and a sidewalk installed. The roof will be coming off of the building and replacing it with fiber cement board panels which exceeds what our Building Code would allow so they are asking for a waiver of the Building Code.

Trustee Smith thanked the owners of Burger King for reinvesting in our community.

Motion to approve the Site Plan and waiver of the Building Code was made by Trustee Smith and seconded by Trustee Butterfield

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of a Site Plan – Les Brothers

Ms. Ellis reported with the demolition of the former Papa Joes Restaurant the owners of Les Brothers had to go back through Site Plan approval under the terms of the Building Code. Staff has been working with the owner and the architect. They are trying to maintain the same building footprint but are adding landscaping along the west and south perimeters and a sidewalk along Route 30. The building is predominately brick with a portion of the back of the building that will be split faced. They will be replacing the existing sign with a slightly smaller sign with an electronic message center with a brick base. Staff is continuing to work with the Fire Protection District on where a fire hydrant will be placed to meet their needs.

Motion to approve the Site Plan was made by Trustee Johnson and seconded by Trustee

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance # 2600 Accepting Deed and Authorizing Conveyance to Park District – Bristol Park Lot 143

Ms. Ellis reported this is the park site contribution in Bristol Park. It does include some flood plain areas which the Park District agree to accept. This formalizes the Village accepting the park land donation from the developer and then conveying it to the Park District.

Motion to adopt the ordinance was made by Trustee Madsen and seconded by Trustee Johnson

Upon roll call, the vote was:

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

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance Authorizing the Installation of a “3-Way Stop” Sign – Kingsway Avenue and Duchess Avenue – 1st Read

Mr. Nash reported that he had been approached by residents in the Royal Meadow Subdivision regarding the installation of a stop sign at that location. This was discussed at a PTAB meeting where it was determined it did not meet the standard requirement to install the stop sign.

Mayor Baldermann stated that he had discussed this with Staff and the residents. He went on to say that PTAB does a great job but this is an instance where it is a long stretch of road with a lot of homes and kids.

This ordinance will come back for second read.

Consideration of an Ordinance Authorizing the Installation of an “All-Way Stop” Sign – Kingston Drive and Ferro Drive – 1st Read

Mr. Nash stated once again he was approached by residents.

This ordinance will come back for second read.

Consideration for Approval of a Proposal – Village Branding Initiative

Ms. Ellis reported there were twelve requests for proposals that were mailed out. We got six in return. She asked for Board approval to enter into a proposal with A5 Branding and Digital. The proposed cost is \$19,500 plus some miscellaneous expenses.

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

Upon roll call, the vote was:

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

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported Trick or Treat hours are 4:30pm – 7pm.

Mayor Baldermann commented on a few of the items of the agenda and the success of the Village of New Lenox.

VILLAGE ATTORNEY

No report.

VILLAGE ADMINISTRATOR

Village Clerk Ruhl reported on Early Voting.

Mr. Nash reported on the Nelson Road extension. Opening is still planned for December 2, 2016.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve our bi-monthly disbursements in the amount of \$542,696.26. In addition to this disbursement, approval is needed for biweekly payroll in the amount of \$342,552.22 and a monthly payroll in the amount of \$5,486.67 paid on October 14, 2016.

Trustee Madsen seconded the motion.

Upon roll call, the vote was:

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

NAYS: **0**

ABSENT: **1** Trustee Bowden

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

Bill Walter told the Village Board they are doing a good job.

TRUSTEE COMMENTS**Trustee Smith**

Trustee Smith commented on Halloween. Be careful.

Trustee Finnegan

Trustee Finnegan wished the Cubs good luck.

Trustee Madsen

Trustee Madsen with the Cubs good luck.

Trustee Bowden

Absent

Trustee Butterfield

Trustee Butterfield reminded that Friday, November 11th is Veterans Day and to come to the Commons for the ceremony.

Trustee Johnson

Trustee Johnson reported the Chamber of Commerce is holding a function in the Commons the Saturday before Halloween.

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 October 24, 2016 adjourned at 8:43pm.

Laura Ruhl, Village Clerk