

**MINUTES OF THE REGULAR MEETING OF THE**  
**NEW LENOX BOARD OF TRUSTEES**  
**New Lenox Village Hall, 1 Veterans Parkway**  
**Monday, March 8, 2010**

#10-06

**CALL TO ORDER**

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:08 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

**ROLL CALL**

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

Trustees Butterfield, Bowden, Dye, Tuminello, and Mayor Baldermann

The following were absent: Trustees Smith and 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 Administrator Russ Loebe, Village Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning and Development Administrator Robin Ellis, Police Chief Bob Sterba, Village Engineer Scott Killinger, Building & Zoning Administrator Warren Rendleman, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Civil Engineer Will Nash, Assistant to the Administrator Carol Hennessy, Attorney Marty Shanahan, Deputy Clerk Laura Ruhl, and Deputy Clerk Bonnie Motyka.

**CITIZENS REQUESTS & SPECIAL REQUEST**

**Fire District Discussion – 12 Lead Monitor – Chief Mead & Skip Minger**

Fire Protection District Board President Skip Minger and Chief Mead gave a PowerPoint presentation regarding the Save-A-Life Program and the 12 Lead Electrocardiogram Monitor systems which were in all ambulances. Mr. Minger stated the Foundation purchased four monitors and hoped for assistance in purchasing more monitors.

Mayor Baldermann reported the Fire Department was always very responsive to the Village's needs and attended all activities in the Commons noting the Fire Department was crucial to

the community. He added there had been a lot of changes at the Fire Department and Mr. Minger and the Board had done a tremendous job of bringing the department forward and upward. He stated he would like to look into the Village and other service organizations going into together to possibly purchase one of these machines for the Fire Department.

Trustee Dye commented on what a great idea it was to form the Foundation Board because donations received could be a tax deduction which was an advantage for donors.

Trustee Butterfield asked about the cost of the units. Mr. Minger stated the cost of the units was \$20,000. Trustee Butterfield suggested something be done at the summer concerts. Mayor Baldermann reported that the Fire Department sold raffle tickets last year and was very successful. Mr. Minger stated they would be at this year's concerts and the Foundation was established to pay for the leads. Trustee Butterfield stated that the Village had budget restraints and suggested that possible matching funds might be discussed.

Trustee Bowden stated it was hard to commit when the budget numbers were not known yet. She stated she did think the Village should do what they could to support this cause. Mayor Baldermann stated that all taxing bodies needed assistance but the Fire Department continued to provide additional services without an increase in their rate. Trustee Bowden suggested that next year a concert night be dedicated to a certain cause and a fundraiser be held once in the summer. She asked if there were always trained personnel on trucks/ambulances that had these units. Chief Mead stated that advance life support could not be done without a paramedic on the vehicle.

### **PUBLIC HEARING – Annexation Agreement – American Legion – Chuck Smith**

Mayor Baldermann opened the public hearing at 7:25 p.m. Ms. Englert provided proof of notice and swore in the petitioner.

Ms. Ellis reported the Plan Commission held a public hearing on the annexation and rezoning request on February 16<sup>th</sup> with the Plan Commission recommending approval of the annexation and rezoning to the I-1 limited industrial district subject to the successful negotiation of the annexation agreement. She reported the agreement in packet was consistent with Village boilerplate and called for the rezoning of the property to the I-1 district upon annexation.

Ms. Ellis reported a few deviations from code would be attached as an exhibit. She stated the deviations recognized the existing standards on the site which already had non-conforming setbacks and landscaping. She reported the new improvements would be constructed to those same standards and dimensions to what was already out there. She showed the proposed site plan. She stated that following annexation they would have to return through Site Plan Review Committee so the Board would have an opportunity to look at the landscaping in more detail. She stated the parking was based upon rough numbers of maximum occupancy and they did meet the requirements. She added that as the building plans were fine tuned they would have to turn in something stating what the maximum occupancy was so parking could be determined.

Ms. Ellis reported on a deviation to construct the addition in conformance with the existing building materials. She noted the current materials did not meet the Village's masonry requirement and the petitioner proposed to keep the masonry wainscot and have the siding on the remaining exterior.

Ms. Ellis reported that there would be utility extensions noting they would auger water under Cedar Road and the annexation agreement proposed that the Village enter into a recapture agreement in the future. She stated the details of the recapture would be negotiated at that time. She noted that whatever properties fronted on the utility extension typically split the cost of improvements 50/50. She reported the anticipated sanitary sewer extension route was noted in packet. She added the agreement called for recapture to be negotiated to recoup these costs.

Ms. Ellis reported on a deviation request for a wall sign on the north building wall which did not face a public street. She stated ordinance allowed a sign facing Cedar Road and Ford Drive. Staff had no objection as long as the maximum size requirements were met as allowed under the Zoning Ordinance.

Trustee Butterfield asked when first read would happen. Ms. Ellis stated it could be as early as the end of the month.

Trustee Dye asked if the process had begun with the Army Corps of Engineer because previous petitioners had spent a lot of time waiting for a response. Mr. Smith stated they had contacted the Army Corps regarding the open cut of Cedar Road or auguring under Cedar Road.

With no further comments, Mayor Baldermann closed the public hearing at 7:30 p.m.

### **Request for St. Patrick's Special Event – Tom Kelly's – Pat Lavery**

Ms. Lavery requested permission to erect a tent for their 3<sup>rd</sup> Annual St. Patrick's Day event. She stated it would be held March 12<sup>th</sup> and 13<sup>th</sup> with the tent being erected on March 11<sup>th</sup> and would be taken down on March 18<sup>th</sup>. She added they had ample parking noting she had an agreement Mr. Mark Ritter to use the adjoining property as well as the DeGroate parking lot. She stated four bouncers and a full staff would be in use. She added that only liquor would be served in the tent and food would be kept inside the restaurant. She reported that two bands would be performing on Friday and Saturday.

Mr. Rendleman stated the ordinance regarding these types of requests was later in the agenda. He noted that tonight's request would not meet the four consecutive day requirement but other than that it would meet all of the requirements for special events. Mayor Baldermann asked if Mr. Rendleman was satisfied with the parking requirements. Mr. Rendleman stated he discussed this with Ms. Lavery noting in the future a better site plan would have to be available showing ingress/egress as well as the Fire Department's input and approval regarding life safety issues.

Trustee Bowden stated about the walking path from the shared parking. Ms. Lavery stated there was a sidewalk and the parking lots connected. She added there was no parking along the street. Mr. Rendleman added that one lot to the south of the restaurant held the majority of temporary parking and patrons could walk through the parking lot to the site without crossing DeGroate Road.

Trustee Tuminello stated that the stone parking lot that Mr. Ritter installed for the shared parking helped to make a safer situation. He asked about the liquor license requirements for use in the tent.

Mayor Baldermann stated the request tonight was for the tent use. Ms. Englert stated they would have to apply for a 24-hour Special Event license adding they would have to apply for each day that liquor would be sold in the tent. Mayor Baldermann stated this was a separate request.

Motion to approve the request for St. Patrick's Day Special Event for Tom Kelly's made by Trustee Butterfield and seconded by Trustee Tuminello. Upon voice vote, the motion carried with Trustees Smith and Madsen recorded as ABSENT.

#### **Request for Extension of Special Use Permit – Papa Joe's – Jason Agate**

Ms. Ellis reported a special use to allow for a patio and modification of a portion of the parking lot for Papa Joe's was approved last year. She stated the special use was valid for 180 days during which time a building permit must be obtained. She added that they applied for a permit but for numerous reasons it was not picked up. She stated the Board could grant an extension and the petitioner was requesting a 6-month extension. She noted the petitioner anticipated moving forward with the project in the spring.

Trustee Dye asked if parking of an advertising truck in the parking lot along Route 30 should be allowed. Mr. Agate stated it was extra advertising noting another business along Route 30 used a truck as well. Trustee Bowden stated that line of sight issues have been a problem with the use of these trucks and a request was made of the other business to move the truck. She added the Village may have to put something on the books regarding these uses. Mayor Baldermann stated the Board could take action if it were a line of sight issue. Mr. Rendleman stated there had been calls about other businesses along Route 30 using frontage for their advertising. He stated the vehicle could be parked in a regular parking spot adding the businesses were asked to move the trucks back from Route 30.

Motion to approve the request for extension of special use for Papa Joe's made by Trustee Tuminello and seconded by Trustee Dye. Upon voice vote, the motion carried with Trustees Madsen and Smith recorded as ABSENT.

#### **CONSENT AGENDA**

Motion to approve r items on Consent Agenda #10-06 as presented in packet made by Trustee Bowden and seconded by Trustee Butterfield.

Items up for approval:

- A - Ordinance #2092 Amending Title 106 – Special Events – 2<sup>nd</sup> Read
- B - Minutes of Regular Meeting of February 22, 2010
- C - Substitution of Surety – Cherry Hill Meadows Unit 1A
- D - Request for Temporary Signs – Chamber of commerce Business Expo

Upon roll call, the vote was:

<b>AYES:</b>	<b><u>5</u></b>	Trustees Dye, Bowden, Butterfield, Tuminello, and Mayor Baldermann
<b>NAYS:</b>	<b><u>0</u></b>	
<b>ABSTAIN:</b>	<b><u>0</u></b>	
<b>ABSENT:</b>	<b><u>2</u></b>	Trustees Smith and Madsen

The motion carried.

### **ORDINANCES & RESOLUTIONS**

**Ordinance Authorizing Execution of Annexation Agreement – New Century Bank – 1<sup>st</sup> Read**

**Ordinance Annexing Certain Territory – New Century Bank – 1<sup>st</sup> Read**

**Ordinance Rezoning Newly Annexed Territory – New Century Bank – 1<sup>st</sup> Read**

**Ordinance Granting Special Use for Financial Institution – New Century Bank – 1<sup>st</sup> Read**

Ms. Ellis reported the Board held the public hearing on the annexation in December and at that time the agreement included provisions for freezing some ordinances, no increases to any fees, and a sales tax rebate to offset improvements to Vancina Lane. She reported the revised annexation agreement no longer included provisions to freeze ordinances or fees and the sales tax rebate had been removed. She stated other staff comments were addressed including prohibiting certain intense C-2 District uses on the larger parcel which was closer to the existing residences on Garfield.

Ms. Ellis reported that the Route 30 ultimate design called for Garfield to be reduced to a right-in right-out only. She stated the annexation agreement included a provision that the Village would assist the petitioner to try and get IDOT to make that a full intersection. She added there would be no financial participation from the Village. She stated that due to the stacking distance of the left turn lane going into Target-Lowes there would be a barrier median that would block left turn movement in and out of Garfield.

Ms. Ellis reported the revised agreement remained predicated on the developer of the adjacent parcel to the west taking the lead in construction of Vancina Lane. She noted the petitioner would then reimburse that developer for 50% of the costs. She stated discussion of

that development not moving forward ensued. She reported that this petitioner was fine with operating with only the right-in right-out. She stated that the Village may want to consider this because the uses of this parcel were not yet known.

Ms. Ellis reported that comments were made at the public hearing by adjacent residents regarding drainage and erosion control issues. Mr. Killinger requested certification from SPACECO stating that the property was in compliance with NPDES permit in the County. He stated public comments at the public hearing regarded water coming from the site and that was covered by an NPDES permit from the County.

Trustee Dye stated there were five criteria needing to be satisfied when a special use was issued adding that the special use should be necessary or desirable to provide a service. She stated the Board only knew of the financial institution coming to that area and it was gray as to what else would be in that development that would satisfy that part of the criteria for the special use. She noted there were two banks across the street from this parcel and it might be hard to say this was necessary or desirable in this location. She stated when the developer was at the point of giving specific retail information it would help satisfy the criteria.

Mr. Smith stated there was not a guarantee that a bank would be built in this development. He noted they were trying to put this on the marketplace and get as much out there so that if there was an opportunity for a financial institution there would be property that had the ability to market it and not have to go through the process of getting a special use. He added this would make the property more marketable because the process would be streamlined. He stated there was not a buyer at this time. He reported the site plan represented a possible development and they were looking for a plat of subdivision for five lots including the detention area.

Trustee Bowden stated that due to the fact that there was nothing predetermined for that area and there was concern from the residents regarding children in the area and school buses. She noted she found it hard to approve or agree to anything at that location at this time. She reported the Board was not being told what would be in the development and what the uses would be. Trustee Dye asked if there had been communication with the School District regarding the school buses.

Trustee Butterfield reported that when Morningstar Plaza was improved the right-of-way would go into their parking lot to straighten out the curve. He asked if there would ever be a left turn coming out of that area. Ms. Ellis reported that the issue was the curbed median to direct traffic into the left turn lane to Target-Lowes. She stated she did not think plans for further east called for a barrier median.

Mr. Smith explained what the road reconstruction would look like and IDOT did not want a left turn lane going north by the pork chop. He stated this was a life safety issue and he had asked staff to assist with this request to IDOT.

Trustee Butterfield and Mr. Smith discussed Garfield. Mr. Smith stated the corner would be cropped and would provide the opportunity for a construction easement as well as a right out

of Garfield for the residents. He stated that once Route 30 was developed traffic from Garfield would not be able to go northbound from the east.

Trustee Tuminello stated that the Street & Drainage Committee saw plans that included the barrier median crossing Garfield and the turn would not be able to be made. He asked if the plan showed a right-in right-out on Garfield. Mr. Nash stated this was correct. He stated this had a July letting and the plans showed a right-in right-out from IDOT. Mr. Smith stated that he felt there was a life safety issue eastbound traffic from the homes on Garfield. Mayor Baldermann added that emergency equipment would be heading east. He stated that in regard to the school bus issue he was not sure the School District could react to the situation until they knew what would be in the development.

Trustee Bowden stated she was opposed to having school buses discharge students on Route 30 if there was a commercial development on that corner without knowing what the impact would be. Mr. Smith stated he thought the school bus would go north through the site and back out again.

Trustee Butterfield stated the plans for Route 30 improvement could have been based upon no development to the north and the plan may need to be updated.

Mayor Baldermann suggested the petitioner contact the School District and Engineering to review the life safety issue before this came back before the Board for further discussion. Mr. Smith requested a letter from the Board regarding the life safety issue. Mayor Baldermann stated that this was an Engineering Department issue.

#### **Ordinance Amending Title 98 of the Municipal Code – Weeds – 1<sup>st</sup> Read**

Mr. Rendleman reported the amendment involved the current weed cutting fee which was a minimum of a \$250 bill no matter what size the lot was. He stated more competitive pricing had become available from the weed cutter and a reduction would be to charge what was charged by the weed cutter plus the \$50 Administrative Fee.

Trustee Dye reported these fees were charged when a vacant lot was not cut by the owner and had to be cut through a weed cutter.

Mayor Baldermann asked if the Administrative Fee could be structured to cover property owners that did not respond to the first bill sent out. He asked if additional Administrative Fees could be charged per invoice. Mr. Rendleman stated that Code Enforcement could write a ticket for every violation which would double after 10 days. He noted that every subsequent offense would double.

#### **Ordinance Prohibiting Smoking in Certain Areas of New Lenox Commons Lawn – 1<sup>st</sup> Read**

Mayor Baldermann reported the only complaint he heard about the Triple Play Concert Series last year was that smoking was allowed on the grass area. He stated the ordinance would prohibit smoking of any kind on the lawn area and concession area in the Commons.

He noted there would be a designated area on the exterior sidewalks or in the street for smoking. Trustee Bowden asked if there would be signage. Mayor Baldermann stated there would be signs posted.

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

### **MAYOR**

Mayor Baldermann reported that ComEd had a Helping Hand Program for assistance in March for residential service that was pending disconnection. He noted customers should contact ComEd at 1-888-806-CARE to sign up.

Mayor Baldermann reported that Samantha Marie Hair Salon would be holding a fundraiser for Hannah Builan, Liberty student struggling with leukemia, on March 28<sup>th</sup>.

Mayor Baldermann reported that tickets for the Triple Play Concert Series would go on sale March 15<sup>th</sup> for New Lenox residents. He stated the price for New Lenox residents would be \$50 through April 30<sup>th</sup>.

**VILLAGE ATTORNEY** - None

**VILLAGE CLERK** - None

**POLICE CHIEF** - None

**FINANCE DIRECTOR** - None

**PLANNING & DEVELOPMENT ADMINISTRATOR** - None

**BUILDING & ZONING ADMINISTRATOR** - None

**ECONOMIC DEVELOPMENT DIRECTOR** – None

### **VILLAGE ENGINEER**

#### **Acceptance of Water Easement – Prairie Ridge**

Mr. Killinger reported that the water easement was on the Spring Creek property and was a sanitary sewer line already in the ground. He stated this water main easement would allow the developer of Prairie Ridge or the Village to build a water main up to WWTP #3 if needed.

Motion to accept water easement made by Trustee Bowden and seconded by Trustee Tuminello.

Upon roll call, the vote was:

**AYES:** 5 Trustees Bowden, Tuminello, Butterfield, Dye,  
and Mayor Baldermann

**NAYS:** 0

**ABSTAIN:** 0

**ABSENT:** 2 Trustees Madsen and Smith

The motion carried.

**PUBLIC WORKS SUPERINTENDENT** – None

**VILLAGE ADMINISTRATOR** - None

**PAYMENT OF BILLS** – None

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

Mr. William Walter, 1022 Grandview, commented that he received an estimated bill from ComEd recently and after a phone call found that the bill was 3 times more when estimated. He asked about Williams Street to which Mr. Killinger stated Menards was in the process of re-bidding the contract noting there was a pre-construction meeting on Wednesday where more details would be discussed. Mr. Walter asked if the American Legion was contiguous to the Village to which Ms. Ellis reported the property across the street was part of Village Station. Mr. Walter commented about double-dipping with constructing a building with 9-1-1 funding. He asked if the three Villages could send a letter. Mayor Baldermann reported the Village was on record in opposition of this issue. Mr. Walter commented on the number of trains running by CN to which Mayor Baldermann noted the train traffic was not at full capacity yet. He added the Village met with CN representatives last week and a meeting was set with the County to discuss this.

**TRUSTEE COMMENTS**

**Trustee Smith** – Absent

**Trustee Madsen** - Absent

**Trustee Bowden**

Trustee Bowden reminded everyone about vehicle tags being on sale. Ms. Auchstetter added that tags were on sale for \$15 in March, \$20 in April and \$30 on May 1<sup>st</sup>.

Mayor Baldermann added that one resident did come in and make a donation to the American Cancer Society-Relay for Life and received tag #1.

**Trustee Butterfield**

Trustee Butterfield reported that the ticket being sold for the concerts was for all three concerts and was in a lanyard. He noted that this ticket could be shared if the buyer could not attend all concerts.

Trustee Butterfield reported that Census 2010 letters were sent to alert the public of the upcoming Census forms. He stated that by participating in the Census residents would help their community receive its fair share of government funds for highways, schools, health facilities, etc. He reported the fair share was for 10 years. He stated that if the form was not filled out then a Census representative would come to the home. Mayor Baldermann asked Trustee Butterfield to outline the credentials that Census takers would have as well as the questions they would ask for the next meeting. Trustee Butterfield stated that some residents throughout the Country received the American Community Survey which was a lengthy survey. He added that everyone across the nation would receive the Census 2010 which had 10 questions.

**Trustee Tuminello**

Trustee Tuminello asked what the difference was between the two surveys. Trustee Butterfield stated about 30,000 homes received the American Community Survey in Illinois, Indiana, and Wisconsin and the information was used to average the nation.

**Trustee Dye**

Trustee Dye congratulated Dan Stinnett of the HUB for being selected as one of 10 people approved by the Illinois Jaycees this year to be the 2010 Outstanding Young People of Illinois.

Trustee Dye reported she went to Delta Sonic in Joliet for gas because it was cheaper. She stated she discussed with Mr. Lowman whether the Village had reached out to Delta Sonic regarding coming into New Lenox.

**Trustee Madsen** - Absent

**EXECUTIVE SESSION** - None

**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Bowden and seconded by Trustee Dye. Upon voice vote, the motion carried with Trustees Smith and Madsen recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on March 8, 2010 was adjourned at 8:19 p.m.

---

**Bonnie Motyka, Deputy Village Clerk**