

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, January 18, 2010

#10-02

CALL TO ORDER

The regular meeting of the New Lenox Board of Trustees was called to order at 7:15 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall for the purpose of conducting a study session as per the provisions of Resolution #08-28.

ROLL CALL

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

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

The following were absent: None

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, Planning & Zoning Administrator Robin Ellis, Village Engineer Scott Killinger, Finance Director Kim Auchstetter, Assistant to the Administrator Carol Hennessy, Public Works Superintendent Ron Sly, Building Administrator Warren Rendleman, Economic Development Director Randall Lowman, Police Chief Bob Sterba, Civil Engineer Will Nash, Deputy Clerk Laura Ruhl, Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

OATH OF OFFICE – Police Sergeant – Louis Alessandrini

Mayor Baldermann reported that the oath of office tonight was being given to a good officer and family man. He acknowledged the attendance of Sgt. Alessandrini's family and co-workers.

Chief Sterba stated as a Chief of Police decisions were made that had a profound, long-term impact on the Police Department and the community. He added any good Police Department depended upon the level of its first level of supervision and it was important to have the right people in place. He stated that Sgt. Alessandrini was a terrific choice and he was pleased to have a member of his caliber on the Police Department.

Ms. Englert swore in Police Sergeant Louis Alessandrini.

Sgt. Alessandrini thanked his wife and children for the support they gave him. He thanked his friends and family for attending. He noted that it was honor and privilege to be here. He thanked Dan Martin who was the chief when he started. He thanked Chief Sterba for giving him this opportunity noting he would do his best.

Mayor Baldermann stated Leonard Caria, Police & Fire Board, was in attendance.

Trustee Bowden stated that Sgt. Alessandrini had been an asset to the Police Department since the day he joined it.

STANDING COMMITTEE REPORTS

General – Mayor Baldermann

Mayor Baldermann reported on his attendance before the meeting at the swearing in ceremony for John Mead, the new Fire Chief, and six full-time fire fighters.

Mayor Baldermann reported he received many questions from residents on why the Village did not allow AT&T U-Verse in town. He read an email from John Quinn, AT&T External Affairs Director, responding to residents' requests. The email stated: *"As per our discussion at the Will County Governmental League reception, AT&T realizes the anxiety that the lack of U-Verse availability has caused the Village and the residents of New Lenox. We truly appreciate the Village's interest and desire to work with A T & T to bring a choice of video service to its residents. At the onset of AT&T's Lightspeed build plans we knew that there would be approximately \$8 billion of capital available to build out to 50% of AT&T's footprint in Illinois in the first 3-4 years of the project. The reality of this project was that service would be deployed to roughly 50% of AT&T's service footprint during this time and unfortunately the other 50% would not receive the service. We are continuing to build at a very rapid pace and thus increasing our coverage area. As with any new construction project, AT&T asks for consumers to be patient while we make this investment and continue our upgrades. At this time, AT&T continues to evaluate the Project Lightspeed economic model for the distribution areas in New Lenox and other communities throughout Illinois. We do, however, have to be mindful of and abide by the build requirements of the state law as we continue to upgrade our infrastructure."* He stated that the Board believed in competition and wanted residents to receive the greatest quality at the best price. He added the Board was not trying to hinder having AT&T U-Verse available to residents and when the infrastructure was in place there would be another choice.

Mayor Baldermann reported occasionally he worked the front window and spoke to residents adding recently he spoke to Pat Majchrzak who watched many Board meetings.

Mayor Baldermann stated that work continued on the concerts for the summer and information was forthcoming.

Finance – Trustee Butterfield

Trustee Butterfield stated he met earlier with Ms. Auchstetter and Mr. Loebe due to the cancellation of the regularly scheduled meeting. He reported department heads were completing the 2010 year-end projections with 2011 projections due by the end of January. He stated the Finance Committee would work with department heads in February on the preliminary budget. He noted budget discussions would be in March with adoption in early April.

Trustee Butterfield stated state revenues were being monitored including income tax. He stated cost-saving efforts were added including reduction in personnel and improving the bottom line. He added the committee was looking into interest rates and refinancing older bonds.

Water & Sewer – Trustee Bowden

Trustee Bowden reported the committee met earlier in the evening and discussed the sprinkling regulations. She stated that changes to the regulations would not be made at this time due to trying to make sure continuity was kept with all parties of the Lake Water Coalition. She added that in the spring the committee would look for verification that notices were sent to businesses suggesting earlier sprinkling outside of business hours. She noted discussion was prompted due to a request from a few banks on Route 30 and on Nelson.

Trustee Bowden reported the committee discussed the McVickers project which was on schedule. She stated that Trustee Smith requested information on when Menards would start breaking ground.

Trustee Bowden reported that work was being done with the EPA on permit components for future needs for waste water treatment plants.

Trustee Bowden reported there were no problems with the February sureties.

Trustee Dye stated that in the December 21st meeting minutes the committee was looking at deduct meters for new construction. She added this would be well received when the housing market picked up.

Trustee Bowden stated there was a notification that the deduct meters were available adding that once housing began again the committee wanted to be sure that this was something new residents would be made aware of.

Public Safety – Trustee Smith

Trustee Smith reported there was not a meeting held in December due to the holidays.

Trustee Smith stated that January 14th was the beginning of the third class for CERT with another 38 people noting that there were 116 people already trained. He reported the first meeting of all members would be Wednesday, January 20th.

Trustee Smith reported the next Public Safety meeting would be January 25th.

Development & Land Use – Trustee Dye

Trustee Dye reported the committee met last week and discussed wind and solar energy. She added the text amendment would be discussed later in the agenda adding that some original recommendations had been changed. She reported the impetus for the text amendment was the development that wanted a vertical wind turbine. She stated the wind energy systems would be a special use. She stated that the solar energy would not be a special use and it would not be allowed in the front of a residential yard but would be for commercial.

Trustee Dye reported the temporary sign and advertising for special events was discussed.

Trustee Dye stated there would be public hearing on Silver Cross' request for a helipad east of the hospital on the ground and not on the roof.

Streets & Drainage – Trustee Tuminello

Trustee Tuminello reported the committee met earlier in the month and discussed the notification that the gas company would be requesting a road closure on Nelson Road. He stated there was an issue with a pipe under Nelson Road just north of the tracks and south of Illinois Highway adding they wanted to close the road for about two weeks when school was out. He reported the committee looked at the MFT program to see if anything needed to be done on Nelson Road hoping it could be done at the same time.

Mayor Baldermann asked if this was the same request that was discussed about 8 months ago. Mr. Killinger stated it was the same group which was in the planning stages now. He noted it would take place next summer. Mayor Baldermann stated the first discussion involved how long Nelson Road would be closed and originally they did not know how long the road would be closed until they got into the pipe. Mr. Killinger stated this was still true. Trustee Tuminello stated they found anomalies in the pipe and they had to cut it open to find out what these were. Mayor Baldermann asked what the worse case scenario was for the road closure. Trustee Tuminello stated the gas company said two weeks. Trustee Bowden stated the committee did not want to do this when school was in session. She added there was not a guaranteed end date.

Mr. Killinger stated they would return to the Board with the request. Mayor Baldermann stated the limited north-south access caused concern.

Trustee Tuminello stated notification was given that there was a potential problem in the tube and the road needed to be shut down. Mayor Baldermann asked that they come to the Board soon. Mr. Sly stated they were working on the plans, the detour route and a construction schedule.

Mayor Baldermann stated he was less interested in the gas company's bottom line than he was for the safety and convenience of Village residents. He noted they may have to work longer construction hours in order to accomplish their goal in a shorter.

Trustee Bowden stated the Board needed to see them before they lay out their plan so the Board could have input.

Trustee Madsen expressed concern because there was a fire station in that area.

Trustee Tuminello reported the committee discussed LEED traffic signals. He stated the City of Elgin had a program for converting street lights over to LEED and the committee was looking at this program to see it would fit in the Village.

Public Improvements – Trustee Madsen

Trustee Madsen reported the committee did not have a formal meeting in December due to the holidays and a special committee meeting was held earlier this evening. He stated the committee discussed commercial brick and precast noting two members of the bricklayers union were in attendance. He reported this was would be an ongoing discussion for committee with findings brought back to the Board for final discussion.

Mayor Baldermann reported there were two major points to the discussion. He stated that one point was that after all things were considered the timing might be the same constructing with brick or precast. He added that the total cost may be the same even though there were more manpower hours for brick there was not the heavy manufacturing costs. He stated the other main point was that there were different levels of architectural precast. He reported most of the Board with the exception of Trustee Smith did not know much about the differences. He stated if the cost and the time factor were the same but one would create 10 jobs and one would create 100 jobs then people in town needed to be put to work. He noted there were 300 residents that were in the bricklayers union. He stated he explained to the bricklayers that if the store could be opened earlier at a percentage less cost then it would have to be discussed. He stated quality was a number one concern but the Board wanted to put people back to work.

Trustee Madsen stated he learned a lot in the meeting and discussion would continue.

NEW BUSINESS

Request for Extension of Variances – Kurtz Memorial Chapel

Ms. Ellis reported the Kurtz special use was approved for the building addition in June and variances were approved at that time. She stated one variance was still needed with the new plan and Village code provided it was only valid for 180 days unless a building permit was obtained. Staff did not object to another six month extension to the variance for the rear yard perimeter.

Trustee Madsen asked if the sidewalk leading nowhere was still being requested by the Village. Ms. Ellis stated it was still included.

Motion to approve the request for extension of variance for Kurtz Memorial made by Trustee Smith and seconded by Trustee Tuminello. Upon voice vote, the motion carried unanimously.

Ordinance #2086 Amending Special Uses – Kurtz Memorial Chapel – 2nd Read

Ms. Ellis reported that in addition to demolishing the original funeral home and constructing a new facility with an attached residence for the proprietor Kurtz also proposed a 4,000 square foot

retail building fronted and served off of Francis Road. She stated staff worked the last few months on resolution of the landscaping and engineering.

Ms. Ellis a phasing plan because the petitioner planned on operating the existing building while the new building was under construction adding that the phasing plan was attached as an exhibit to the ordinance. She reported the existing building was in the location of the new detention pond. She noted the phasing plan stipulated how the project would be phased adding that the temporary storm water detention constructed to the south of the existing funeral home until such time as the retail shop/real estate office could be moved into the new retail building. She noted at that time all of the improvements would be completed.

Ms. Ellis reported the ordinance anticipated a provision for temporary occupancy once the building was substantially completed due to all of the improvements and the desire to move into the new building. She stated a final occupancy permit would be withheld until all of the associated improvements including parking, detention, landscaping had been completed. She noted the petitioner was provided a copy of the conditions and was in agreement.

Mr. Dick Kavanagh stated he was in agreement including the sidewalk.

Trustee Madsen asked if the car show held at Kurtz every year would be affected. Mr. Kavanagh did not know.

Motion to adopt Ordinance #2086 amending special uses for Kurtz Memorial Chapel made by Trustee Smith and seconded by Trustee Tuminello.

Upon roll call, the vote was:

AYE:	<u>7</u>	Trustees Butterfield, Madsen, Smith, Bowden, Dye, Tuminello, and Mayor Baldermann
NAY:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

Motion carried.

Request for Plat of Dedication Approval – Kurtz Memorial Chapel

Mr. Killinger reported a right of way plat had previously been approved for Cedar Road. He stated there were changes to the storm water detention plans which needed to be approved due to the changes to the original plan.

Motion to approve the request for Plat of Dedication for Kurtz Memorial Chapel made by Trustee Butterfield and seconded by Trustee Bowden. Upon voice vote, the motion carried unanimously.

Setting of Surety – Kurtz Memorial Chapel

Mr. Killinger reported there were two separate sureties. Staff recommended the surety for public improvements be set in the amount of \$150,516.03.

Motion to set the surety for public improvements for Kurtz Memorial Chapel in the amount of \$150,516.03 made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

- AYE:** 7 Trustees Dye, Bowden, Smith, Butterfield, Madsen, Tuminello, and Mayor Baldermann
- NAY:** 0
- ABSTAIN:** 0
- ABSENT:** 0

Motion carried.

Mr. Killinger stated the second surety was for the wetland plantings in their storm water detention area. He explained that this surety would be in effect for 3 years past the project completion. Staff recommended the surety be set in the amount of \$15,622.75.

Motion to set the surety for the wetland plantings for Kurtz Memorial Chapel in the amount of \$15,622.75 made by Trustee Bowden and seconded by Trustee Smith.

Upon roll call, the vote was:

- AYE:** 7 Trustees Dye, Bowden, Smith, Butterfield, Madsen, Tuminello, and Mayor Baldermann
- NAY:** 0
- ABSTAIN:** 0
- ABSENT:** 0

Motion carried.

Text Amendment – Special Events

Ms. Ellis reported the Public Improvements and Development & Land Use Committees discussed this item. She stated it related to requests for tents and other events to be used in parking lots. She added in all commercial, industrial and hospital districts all had the same regulations. She noted that each business would be allowed up to four special events per year

each lasting no more than four consecutive days with a 30-day period between special events permits. She reported the request would be treated as a temporary use which would have to be reviewed by the Zoning Board of Appeals and require Village Board approval. She stated that through the application and review process parking and traffic circulation issues could be controlled as well as ADA-accessibility.

Ms. Ellis reported on a request from a resident who rented large inflatable screens noting this special event permitting process would apply to this request. She stated these could be used for a business hosting a drive-in movie in their parking lot or Guitar Hero competitions.

Ms. Ellis reported the text amendment required a public hearing before the Plan Commission.

Mayor Baldermann asked if the safety of people in the parking lot was addressed with the use of the inflatable screen. Ms. Ellis stated this would be looked at case by case. She noted if fencing or screening were appropriate then it could be mandated at that time.

Trustee Bowden asked if this would be part of the criteria so the petitioner would know that these things may be required. Ms. Ellis stated it would depend upon what was proposed and the surrounding land uses were.

Trustee Butterfield stated each instance could be different. He noted festivals would need fencing.

Trustee Bowden stated she wanted the petitioners to know the process for approval would require the application and then Board comment prior to approval. Mayor Baldermann agreed adding that at times requests come in at the last minute. He suggested staff inform the petitioner of the process at time of application.

Trustee Dye stated the committee made it clear that they did not want these objects to cause safety hazards and distractions for traffic.

Trustee Bowden asked that the safety issue be addressed in the text amendment.

Mayor Baldermann stated the Board would make the final decision and would not be setting a precedent because it was a special use.

Trustee Dye stated a site plan was requested and the Village should know the proximity of the item to the roadway.

Text Amendment – Wind and Solar Energy Systems

Ms. Ellis reported wind and solar energy systems were presented to the Board by Jeff Smith in November. She stated a new article was added to the end of the Zoning Ordinance addressing these systems. She reported wind systems had different height and setback regulations based upon whether it was horizontal access or vertical. She stated these energy systems were for personal use and the text amendment did not address the large wind farms.

Ms. Ellis reported the wind turbine would be special uses because they would be a free-standing structure. She stated the ordinance proposed a height maximum of 35' provided they complied with setback regulations in the ordinance. She added solar energy systems would be permitted uses because they would predominately be roof-mounted. She noted they were less noticeable and possibly less objectionable to the surrounding area.

Ms. Ellis reported this amendment required a public hearing before the Plan Commission.

Trustee Tuminello inquired about the language on Page 2 where it stated that no minimum lot size would be required for the small wind energy system. He suggested a minimum lot requirement be added noting some lots in the middle of town were small as well as R2A that were too small for 35' wind turbines in back yards. He stated the horizontal turbines could be up to 60' tall surpassing the height of the house itself. He stated the height of the horizontal wind turbines needed to be looked at as did the minimum standard for the lot size. He added these could pop up all over town.

Trustee Bowden stated the wind turbines would come in as a special use so there would be more control and they should not pop up all over. She agreed that controlling the visual was important. She added she was comfortable with all of the requests coming before the Board to establish location, height, etc.

Trustee Smith asked if the Board had priced these turbines. Trustee Tuminello stated if there was stimulus money attached to getting wind turbines then there may be a lot of requests.

Mayor Baldermann agreed that the special use would allow the Board to look at each one individually. He noted the first request would need to be looked at very carefully.

Trustee Smith asked if there was a fall limit on the turbines. Mayor Baldermann stated it was 125%. Trustee Smith stated a lot of back yards would not fit this use. Ms. Ellis stated the wind turbine would not be effective because there would be too much obstruction to the wind.

Trustee Bowden stated that the R2A District did not have a large enough lot noting it should not be allowed for anything less than R1 lots. Trustee Smith explained that he was R2 and had a large back yard that would support the turbine. Trustee Bowden stated approval of the systems could be done through the special use.

Mayor Baldermann stated some of the turbines were smaller. Ms. Ellis stated the turbine approved last week for Prairie Ridge Subdivision was just less than 32' tall.

Trustee Tuminello asked what the original presentation recommended for lot size. Ms. Ellis stated that the recommendation was based upon all of the impacts to wind flow. Trustee Dye stated that Mr. Smith's report was that typically these did not go on lots that were smaller than an acre noting that New Lenox did not have acre lots. Trustee Bowden stated that was her point and asked why R2A would be considered. Trustee Tuminello stated the minimum could be half acre lots so there would be effective wind flow and they would not be right on the neighbor's back yard.

Trustee Smith stated that evaluation should be included in the text amendment. He discussed problems with installation on a wooded lot including loss of trees or a request for the system on a lot that would not be useful to a wind turbine but where an owner wanted to be green.

Trustee Butterfield stated the lot size was not for cosmetics but for safety reasons. Trustee Bowden stated it could be an issue of cosmetics on lots that were small and close together. She added if the turbine needed area for wind velocity there was not a huge difference between R2A and R1 except that R1 appeared to have more open space. Trustee Butterfield stated the committee discussed lots sizes not because they appeared to look better but because of the use.

Trustee Tuminello asked if the width of the lot would determine how close the wind turbine would be to the house. Trustee Butterfield stated fall restrictions would be set up for safety. Ms. Ellis stated the horizontal was 125% and the vertical was 50% for fall restrictions.

Trustee Smith asked how zoning districts would be used if a request came in from a group of homeowners wanting to install one next to the retention pond. He suggested the special use be tied into the size of lots with the fall capacities included. He explained that with a minimal fall capacity of 50 feet for a 35' vertical wind turbine and 120 feet for a horizontal turbine all lots would be kicked out unless there was situation where the lot was bigger. He reported he would like to see the fall ratios increased. Trustee Bowden stated Trustee Smith was suggesting not making the restrictions to R2A or R1 but to the individual lot size. Trustee Smith stated it should be based upon the size of the lot and the safety factors.

Ms. Ellis stated that after the ordinance was in packet she received a copy of recent legislation passed January 1, 2010. She stated that with individual use turbines the Village could not require a setback of more than 1.1 times the height so it would have to be 110%. She noted this was not exempt by Home Rule.

Trustee Smith stated the setbacks would include lot lines and the structure. Ms. Ellis stated the ordinance was not set up to have a setback from the owner's home. Trustee Smith added that he thought it should set up from the home, pool, or any structure for public safety. Mayor Baldermann agreed that the house or a neighbor's house could be affected. Trustee Smith stated it would have to be installed far enough away to protect everyone including the resident.

Trustee Tuminello stated Mayor Baldermann summarized this last week when he stated that the Board needed to err on the side of caution. He added that solar and wind energy systems were great but it needed to be done the right way.

Trustee Butterfield stated this would also apply to the Prairie Ridge Subdivision. Ms. Ellis stated that anything that was passed would have to be complied with by that subdivision.

Trustee Smith stated that if a wind turbine was installed then the homeowner should be aware that pools, etc. would not be allowed. Trustee Butterfield stated that this might include tree plantings too. Trustee Smith stated that trees did not have whirling blades or electric. Trustee Bowden stated if an item was not permitted before the turbine went up it should be not permitted after.

Trustee Butterfield stated these changes may take the “green” development out of the picture. Mayor Baldermann stated the development had other issues.

Trustee Tuminello stated that if the Board agreed that these uses should be on half acre lots then he would be fine.

Text Amendment – Title 94 of Municipal Code – Bill Payment

Ms. Auchstetter reported the text amendment addressed two issues. She stated the first issue was identifying the owner as the person responsible for the water/sewer or recycling monthly invoice. She added this was the case with State Statute as to who was responsible for the property. She noted that Village code did not specifically state this.

Ms. Auchstetter reported the text amendment also addressed non-payment of a final water bill when a homeowner moved from one Village residence to another. She stated it would give the Village the ability to transfer the water bill from one residence to the other allowing the Village to collect an uncollectible bill and shut of the water if necessary. She noted these bills were not able to be collected in the past.

Trustee Dye stated the first issue had been long standing. She asked if notification would be sent to all of the owners of the different establishments in town so they were on notice that the ordinance changed. Ms. Auchstetter stated this was something the Village followed because it was State Statute but it was not in the code.

Mayor Baldermann reported he had discussions with Ms. Auchstetter and her staff who were in a tough spot lately with people who were out of work not paying their bills. He added that some landlords tried to use the Village as an eviction tool by having the water shut off for non payment adding this was not the Village’s purpose. He added that the Village did have a period of time allowed for residents to catch up on their utility bills and when that was exceeded measures such as turning off the water were discussed. He stated that if this was done in December and January the risk of pipes freezing was a concern. He added he was pleased to watch Village staff showing compassion for tenants while being understanding of owners’ difficulties.

Text Amendment – Sign Code – Banners for Non-Profit Entities & Temporary Signs for Commercial Establishments

Mr. Rendleman reported proposed revisions to the current sign code were being discussed to help promote businesses within town. He stated five years ago the Special Events Sign Permit was created which granted every business in town the opportunity to do a Special Events banner one time per year with restrictions. He added that over the past few years there had been complaints about location and the type of signs permitted. He noted that he came up with a few ideas for the Board to consider.

Mr. Rendleman stated one change proposed would be to allow four special events per year versus the current one special event. He stated he received complaints about lack of visibility with the allowance of signs on the building. He proposed a change to allow the sign towards the front yard of the business but not in the right of way.

Mr. Rendleman reported on a category for Grand Openings noting balloons were proposed for Grand Openings only with the change for balloons to be used four times a year. He reported he received requests for parking lot banners or streamers for Grand Openings and added allowances for banners, streamers, pennants or flags for the duration of the Grand Opening.

Mr. Rendleman stated the Village used sandwich signs for the Farmers Market last year. He reported on discussion of these types of signs for all businesses as a temporary use that could be used all of the time throughout the year.

Mr. Rendleman reported that the banner request on light poles a few weeks ago from the church prompted those sections of the Sign Code regarding churches and parks include a definition allowing this as a permitted use within those districts.

Mr. Rendleman stated that any changes made would have to go through public hearing process.

Trustee Smith asked if one sandwich sign would be allowed per business year round. Mr. Rendleman stated the idea was for one per business to be used all of the time throughout the year noting he did not know if businesses would take advantage of it. He added that the Special Events permits had been in effect for five years and the requests were about 25 per year. Trustee Smith stated his concern was the businesses in the strip malls along Route 30 and at Vine Street noting that if all businesses in the strip mall had signs it would not look nice. He questioned how maintenance of the signs would be determined.

Trustee Bowden stated she was in favor of helping businesses promote their establishment but shared the concern of where sandwich signs could be placed for businesses along Route 30.

Mr. Rendleman stated some businesses had limited right of ways and the signs may cause a visibility problem.

Mayor Baldermann added that the amendment stated that if the signs hindered the line of sight they could not be placed. He reported he spoke to Mr. Rendleman as well as the Board about this issue. He noted that small business owners in town were really struggling in this economy. He suggested putting a sunset restriction on these signs if they were allowed. He stated the small business owners thought that a little additional advertising would help them.

Trustee Smith stated the he did not disagree but wanted to look at the logistics of the issue. He suggested a limit of one sign at a time for the plazas along Route 30. Mayor Baldermann stated he requested Mr. Rendleman look into this issue. He added there might be a compromise that could be made noting each business could have a sign two months per year. Trustee Smith stated that the number of signs could be based upon frontage. He added that multiple businesses in a complex such as Target, Lowe's, Wendy's and Chili's needed to be addressed as well.

Mayor Baldermann asked what was done about a business that had a sign promoting another business in town on their property. Mr. Rendleman stated those were considered an off premise sign and the Board had not permitted that. He noted all signs addressed in the text amendment were on premise. He added there would be restrictions to the signs that would be out by the road including visibility, anchoring of the signs, and walkways.

Mayor Baldermann asked if the Board was in agreement to continue with these text amendments even if a sunset was put on them.

Trustee Smith stated that sunset provisions never worked and if the Board was going to do this they needed to set the language and do it right. He added that if sandwich boards were allowed they needed to be allowed based upon safety and how they look.

Mayor Baldermann stated they could use a sunset provision adding that the Board delayed tap on fees with the knowledge that when the economy turned around they would no longer do that.

Trustee Smith reported that he was not against this idea but noted that if signs were allowed for six months and then the business had to take it down there might be a problem. He added that if the sign brought in more business the owner would argue that the sign needed to remain.

Trustee Bowden asked if these sandwich boards would be used for special events or just the business. Mayor Baldermann stated they would be used to promote the business. Trustee Bowden stated she was not comfortable with having signs all over due to the safety factor of drivers reading them. She noted she did want to help the businesses and wondered whether different allowable signage space needed to be done.

Mayor Baldermann stated that Mr. Rendleman and the committee had an initial try at changes to the sign code. He suggested that the Board send comments on the specifics composed to Mr. Rendleman and the committee for additional discussion in February. He noted that more than not wanting signs all over the Board did not want businesses shut down and boarded up. He added that adjacent communities had a lot of vacant store fronts and New Lenox was fortunate to not have a lot of that.

Trustee Butterfield stated that the time limits suggested by the committee could be done temporarily to allow the businesses to use the sandwich boards. He added that it could then be determined if the Board liked their use and if they actually helped the businesses. He noted he would like to speed up the process because of the economy.

Mayor Baldermann stated comments should be to Mr. Rendleman and committee in two weeks so that this could be implemented soon and be meaningful. He did agree with Trustee Smith's comment that once the sign was there the businesses may want them all the time.

Trustee Butterfield stated there should not be a lot of fees associated with this in the beginning noting that could be one of the regulations in the future.

Trustee Smith stated the fees and regulations should be written in now and the Board could waive the fees for a determined amount of time.

Trustee Bowden stated she was looking at not charging a fee and allowing something more permanent. She added that this was a band-aid and a more permanent solution needed to be looked at.

Trustee Tuminello stated he would like to see something added that the signs would be installed in “their” front yard setback. He added he would like to make sure that the signs were used for a business with a viable parking lot so that home businesses would not have signs in their front yard setback.

Trustee Dye reported she did not want to announce that sandwich boards were allowable until the regulations were known. She stated she did not want to see someone invest money needlessly in this economy.

Mayor Baldermann asked the Board to get further comments to Mr. Rendleman for further discussion at the February work session for possible adoption in March.

OLD BUSINESS - None

COMMENTS & QUESTIONS FROM OTHER TAXING BODIES – None

COMMENTS & QUESTIONS FROM CIVIC GROUPS & PUBLIC

Mr. William Walter, 1022 Grandview, expressed his concern with the possible closure of Nelson Road. He stated the problem could be fixed by putting a sleeve on each side of the road and suggested the Village charge \$300,000 for them to open cut the road for one week. He asked what obligation the Village had to a company that did not pay taxes to the community. Mayor Baldermann stated the Board was concerned about closure of Nelson Road. He added that the Board was not concerned about the company’s economics.

Ms. Colleen Wills asked if there were any updates on what was happening with the fireplace store in town. Mayor Baldermann reported that Fireplace Inspirations formerly Cozy Fireplace was the store in question. He stated that Detective Griffin had done a good job on following up on 21 complaints of fraud since August 2009. He noted there were 6 open cases with almost \$8,000 of loss adding the Police Department closed 16 cases with restitution or reimbursement in excess of \$18,000. He reported the Police Department worked with the States Attorney’s Office as well as through correspondence to the Attorney General’s Office. He stated that the business owner was taking legal action on his end to deal with the debt he was faced with and he was having issues with the landlord. He added that many residents were affected by this. Ms. Wills stated that the Police Department was doing a great job and she wished more information would have been available sooner so it would not have reached this point. She noted she enjoyed living in New Lenox and businesses like this were not needed here. She hoped that next time there was a situation like this that the public could be notified sooner. Mayor Baldermann stated that without knowing all of the specifics of what happened the Board could not chastise a business. Mr. Lowman stated there was a sign on the door today written by the landlord stating the locks had been changed and the business was closed taking bankruptcy. Mayor Baldermann added that the owner’s correspondence stated he was trying to fix that situation so he could open and sell the remainder of his product to make restitution to others. Chief Sterba stated the intent was to sell existing stock and not to necessarily install or take orders. He added the owner wanted to liquidate what he had to raise money to pay others.

TRUSTEE COMMENTS

Trustee Dye

Trustee Dye reported the Board discussed drafting an ordinance for vacant houses. She stated there had been feedback on this ordinance. She added that Mokena just adopted their ordinance.

Mayor Baldermann stated that he, Mr. Loebe and Mr. Rendleman met with Tom Joseph and members of the Three Rivers Realtor Association regarding the draft ordinance and recognizing the property owner's rights as well as taking care of the taxpayers to prohibit problems with vacant buildings. He stated the realtor group sent emails to the Board applauding their efforts of going the extra mile because they were concerned with property owner's rights. He reported there was a benefit to the Board taking their time with this ordinance and building on the relationship with the realtors. He stated that in the original draft any fines that might be incurred could be the responsibility of the realtor and they asked for clarification.

Trustee Tuminello - None**Trustee Butterfield**

Trustee Butterfield reported that Ron Schaper, New Lenox Mustangs, was in the hospital and was not doing very well. He hoped everyone would say a prayer or hold a good thought for him.

Trustee Bowden

Trustee Bowden reported the Board had a lot of discussion on wind turbines, solar energy and sump pump collection lately. She stated she thought the discussion of making our needs more energy efficient was wonderful. She explained that she was a little leery of being a pioneer with these ideas and thought it would behoove the Board to understand everything before they did something. She stated when new ground was being broken it might look like the Board was dragging its feet but it was important to know what was happening so that mistakes were not made.

Trustee Madsen

Trustee Madsen encouraged everyone to vote in the Primary Election on February 2nd. He stated that early voting was going on now noting he early voted today.

Trustee Smith

Trustee Smith reported on a recent cable taping he did for Lincoln Way Special Recreation Area's basketball tournament held at Lincoln Way West High School. He stated kids and adults in wheelchairs participated in the tournament. He noted this was a great event to attend and encouraged people to attend if they could.

Trustee Smith stated that organizations should contact the Cable Office ahead of time to set up these events so there would be time to set up taping dates.

EXECUTIVE SESSION

RECESS

Motion to adjourn to Executive Session for Section (c)(2) collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees made by Trustee Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYE: 7 Trustees Butterfield, Madsen, Smith, Bowden, Dye, Tuminello, and Mayor Baldermann

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting recessed at 8:51 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 9:31 p.m. Mr. Loebe and Ms. Englert were also in attendance.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice call vote, the motion carried unanimously. The Regular Meeting of the Village of New Lenox Board of Trustees held on January 18, 2010 was adjourned at 9:31 p.m.

Bonnie Motyka, Deputy Clerk