

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, June 15, 2009

#09-15

CALL TO ORDER

The regular meeting of the New Lenox Board of Trustees was called to order at 7:00 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, Tuminello, Dye, Bowden, Butterfield, 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, Finance Director Kim Auchstetter, Planning & Zoning Administrator Robin Ellis, Village Engineer Scott Killinger, Deputy Police Chief April DiSandro, Public Works Superintendent Ron Sly, Building Administrator Warren Rendleman, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

STANDING COMMITTEE REPORTS

General – Mayor Baldermann

Mayor Baldermann reported he attended the Jacob Lowell Park Re-dedication hosted by the New Lenox Park District. He stated this was a very moving ceremony to honor the New Lenox soldier who sacrificed his life in service of his country.

Mayor Baldermann reported he attended the Tank and Walkway Dedication at the American Legion. He noted there were still bricks available for purchase. He stated there was a proper

flag burning ceremony held after the dedication. He commented that the VFW and American Legion did a lot for the community.

Mayor Baldermann reported the first concert was this Saturday and noted there were tickets still available. He stated the Heat the Hoops Basketball Tournament registration was filling in and was scheduled for June 30th.

Mayor Baldermann reported the Village continued to move forward on the Route 30 improvements. He noted he worked with Mr. Killinger and his staff on getting the easements necessary. Mr. Killinger stated one easement had been eliminated but two more were necessary and should be received tomorrow morning under a verbal commitment.

Finance – Trustee Butterfield

Trustee Butterfield reported the committee met earlier in the evening and discussed the projections for home building. He noted the committee would continue to look at narrowing the budget due to the tight home numbers.

Trustee Butterfield reported that he attended the ICSC Conference in Las Vegas where the official count was 40,000 attendees when a few years ago it was 55,000. He stated Paul Slade, Pat McShane, Kurt Corrigan and Bill Bolker attended at their own expense to assist the Village in their booth. He noted that the hospital was the driving force behind the interest at the booth as well as the mall. He discussed the meetings and discussions held at the conference noting that over 100 business prospects were collected. He noted expenditures were reduced by 60% due to the decrease in personnel at the event. Mr. Lowman added that due to the lower attendance at the conference he and Trustee Butterfield were able to spend more time with the prospects and developers who had projects either underway or about to occur in New Lenox. He thought this was more positive, direct approach.

Water & Sewer – Trustee Bowden

Trustee Bowden reported the committee met earlier in the evening and discussed the North Cedar Road water storage update. She stated a response was expected soon noting that the IEPA had the application for review.

Trustee Bowden reported that WWTP 1, 2, and 3 were discussed. She stated things were at a standstill noting the anti-degradation for WWTP #1 was done and comments were being waited upon. She stated the WWTP #2 report was being finalized which was holding up the completion of the design and changes to the design work were expected. She noted that WWTP #3 would be looked at last.

Trustee Bowden reported that the Prairie Ridge utility update was pending location of the line between the parties.

Trustee Bowden reported the sureties coming due were on track.

Trustee Bowden reported the Oak Lawn Water improvements were still being discussed.

Public Safety – Trustee Smith

Trustee Smith reported the committee would meet next week. He noted he spoke with Public Safety Chief Martin regarding the Citizen Corps first meeting which would be held on June 24th at 3:30 p.m.

Trustee Smith reported the Lincoln Way Communications Center would be coming back before the Board with a request from another community that wanted to join the group. He stated everything was running well with LWCC.

Development & Land Use – Trustee Dye

Trustee Dye reported the committee met last week and discussed the Silver Cross MOB. She noted the Mobile Businesses later on the agenda was also discussed.

Trustee Dye reported the Impact Fees & Recapture Agreements were discussed and no changes were recommended. She stated the effect of Home Rule on these items was discussed. She noted legal clarification was requested on one item.

Trustee Dye reported the June planning cases and development proposals included two public hearings scheduled for next meeting.

Trustee Dye reported that organization of a field trip regarding the low impact development landscaping was discussed. She noted that Ms. Ellis would be looking for open dates for July and August.

Streets & Drainage – Trustee Tuminello

Trustee Tuminello reported the Cedar Road improvements were discussed at the committee meeting. He noted the bid award to Davis Concrete was later on the agenda. He reported the committee looked at the background of Davis Concrete to determine whether they were a viable candidate noting they did the Laraway-Schoolhouse Jewel project.

Trustee Tuminello reported a letter was being sent to the residents along Cedar Road regarding the roadway improvements. He stated a meeting would be held at the Village Hall with the mayor and staff on June 25th from 4:30 p.m. to 6:30 p.m. to answer any resident questions. He noted diagrams would be available.

Trustee Tuminello reported the committee discussed Prairie & Route 30. He noted the update he received this evening involved another problem. He stated the contractor needed to meet with IDOT onsite regarding how to configure the mast arms and the meeting was scheduled for June 16th. He added that at least two more weeks would be added to the schedule in a best case scenario and if they had to redo one of the bases including wiring which would add another 5 weeks.

Trustee Tuminello reported Route 30 improvements were split from east to west. He stated Mayor Baldermann discussed the east portion in his report. He reported on the west portion at

Marley Road where Menards would be bringing their job trailer this week and they expected to start the utility work on Route 30 shortly.

Trustee Tuminello reported the contractor continued to make excellent progress on the Gougar Road and Haven Avenue signalization which was on schedule for completion in mid-August.

Trustee Tuminello reported the 2009 stimulus money would be awarded by IDOT and they hoped to get it on the September letting.

Trustee Tuminello reported on meetings with the design engineer regarding the Cedar Road and Haven Avenue intersection. He stated the Village needed to determine how to proceed.

Trustee Smith reminded staff that Davis Concrete did work for the Village in Chadwick. Mr. Sly stated they have done work for the Village since then through the MFT program.

Trustee Tuminello asked Mr. Killinger for an update to the Board after the Prairie & Route 30 meeting on Tuesday.

Public Improvements – Trustee Madsen

Trustee Madsen reported the meeting for the committee would be on Wednesday, June 17th.

NEW BUSINESS

Special Olympic Presentation

School Resource Officer Mike Jurka reported the Law Enforcement Torch Run was the single largest year around fundraising event benefiting Special Olympics. He stated it was an annual interstate relay fundraiser conducted by officers in all branches of law enforcement. He noted the goal was to raise money and raise awareness for the athletes that participate in Special Olympics. He added that over the past 20 years the Torch Run raised over \$9 million. He reported the Special Olympics Illinois Summer Games would be on June 17th in Normal, Illinois. He reported the New Lenox Police Department had participated in the Torch Run since 1999.

Officer Jurka explained the Cop on Top event which was sponsored by Dunkin Donuts. He noted the officers collected donations while they sat on the roof of the building. He reported the donations totaled over \$400 all of which went to Special Olympics. He thanked New Lenox residents for their support.

Officer Jurka introduced Carie Ganser, Special Olympic Athlete and Global Speaker to the Board. Ms. Ganser thanked the Police Department and Board for the opportunity to speak to them and explain what Special Olympics meant to her. She stated that Special Olympics was a year round sports training competition program for the mentally challenged 7 years and older. She added that there were over 22,000 athletes in Illinois competing in 23 different sports. She reported the Law Enforcement Torch Run raised over \$14 million in 22 years. She explained that she completed in the recent summer games over the weekend and learned that the Torch Run raised \$2.3 million. She stated she had been involved in Special Olympics for 15 years and won

83 medals in 9 different sports. She explained that Special Olympics gave her higher self-esteem, improved her coordination, taught her teamwork, and helped her make friends. She talked about her favorite things in Special Olympics especially being recognized as an athlete.

Mayor Baldermann congratulated Ms. Ganser on her accomplishments.

One Day One Dollar – Paint the Town Purple – April & Nick DiSandro

Deputy Chief April DiSandro and her husband, Nick, explained the Relay for Life-New Lenox theme, Sweet Time for Relay, and the different fundraising ideas they had. Mr. DiSandro explained that Saturday, June 27th, volunteers would be going around town requesting \$1 from residents to go towards the American Cancer Society. Deputy Chief DiSandro explained that Paint the Town Purple would be a request to residents to display a purple ribbon in their yards through the event on July 17th. She asked for permission to decorate the trees in the Commons with the ribbons. She reported that Lowes would be donating a tree this year which would be used at the July 17th ceremony as the Tree of Hope. She reported she spoke to Mayor Baldermann earlier about having the tree planted after the relay event in the Commons as a symbol of fighting back against cancer.

Trustee Smith asked where residents could get the ribbons. Deputy Chief DiSandro stated that they would have people out on June 27th with the ribbons or people could use their own.

Trustee Bowden asked where contributions could be mailed to. Deputy Chief DiSandro reported donations could be made online or through a team captain/team member. She added it was not too late to participate and encourage those not on a team to show up at the community event. She noted there would be a dunk tank that evening, kids' activities, and many other items.

The Board did not have any concerns with the ribbons in the Commons. Trustee Bowden stated that she could not think of a better place to promote the event.

Mayor Baldermann thanked the DiSandros for their participation in this event.

Mobile Businesses

Ms. Ellis reported that due to the request from Windy City Espresso's for a mobile business it was noted that Village code did not address the request. She stated the committee reviewed the ordinance proposed.

Ms. Ellis reported the ordinance would create two new definitions. She explained a *Stationary Vendor* would leave the site daily but would be there for a long period of time and would have to be located in a parking lot which served an occupied business. She explained *Mobile Vendor* was similar to the hot dog carts and was a use that would move from site to site and could only be on site for one hour. She added there had been inquiries for this use for the area by Silver Cross Hospital during construction. She stated a valid building permit or an occupied business was another restriction for *Mobile Vendor*.

Ms. Ellis reported the committee felt it was not appropriate to allow the use in C-1 neighborhood commercial districts because they were usually in established residential neighborhoods. She reported the ordinance added as a temporary use a stationary business in C-1 and the Hospital District in the Industrial Zoning District. She stated the *Stationary Vendor* would need review and recommendation from the Zoning Board of Appeals as well as the Board. She noted the *Mobile Vendor* would be treated similar to the itinerant vendor who would be licensed through the Police Department.

Ms. Ellis reported she had the attorney's office look at this ordinance and recommendations were made to add the definitions. She noted after *Stationary Vendors* received Board approval would have to be licensed through the Police Department including a background check and identification badges. She reported the temporary use would be granted for 180 days and then they could return with an extension request for Board approval only. She explained that the itinerant vendor was given a license that expired December 31st. She stated the definitions only referred to food or drink related uses. She added the Police Department asked about fireworks, etc. which the committee discussed and did not want to encourage.

Trustee Bowden stated another category may be necessary to cover these items noting that seasonal items such as Christmas tree sales did not fit under either category. Ms. Ellis stated the definitions could be adjusted.

Ms. Ellis reported that after Board input this item would go before the Plan Commission for a public hearing.

Trustee Tuminello stated the *Stationary Vendor* would not be allowed speakers or large signage. Ms. Ellis stated the only signage would be on the side of the trailer and there would be no free standing signs.

Trustee Tuminello stated the ordinance read that the *Stationary Vendor* needed a commercially plumbed restroom within the business on the subject property shall be available for the *Stationary Vendor* and its customers during hours of operation. He asked if they would have to team up with one of the businesses in the lot. Ms. Ellis stated one of the requirements for the application was that they have a letter signed by the business owner stating the facilities would be available. Trustee Smith stated if the employee was there over 6 hours it might be necessary but this restriction might have to be tied into hours of operation.

Mayor Baldermann stated that considering what a *Stationary Vendor* was he did not know if it would be necessary for this requirement. Trustee Tuminello did not think it was necessary. Trustee Smith stated that many of the requests would not be approved if this requirement was left in. Mayor Baldermann stated any vendor with early morning hours would not meet the requirement. Board direction was to strike that language.

Trustee Tuminello stated he agreed with the food, water and seasonal items but expressed concern with other items bringing trailers all through town. Mayor Baldermann asked if the Board wanted to limit the number of trailers. Trustee Bowden asked if there were a lot of locations where these could be located. Trustee Smith stated there were areas that would be requested because the development was not currently in use. Ms. Ellis stated one criterion in the

ordinance was that only one trailer would be allowed per zoning lot and they would have to provide a parking space count of what was available and how many they would use. She stated each use would come before the Board as a special use.

Mayor Baldermann asked the Board to limit the number of trailers allowed. Trustee Smith requested staff determine how many lots could hold this request. The Board consensus was to limit the number of trailers allowed and Ms. Ellis was asked to determine an appropriate number. Trustee Tuminello suggested allowing three vendors in the beginning to see how it worked. Trustee Bowden suggested starting with zero and having each request come before the Board for approval. Mayor Baldermann stated this was a good idea.

Mayor Baldermann reported Board taste should not be the criteria per the attorney. He noted the criteria could be set for requirements. The Board suggested only food and seasonal items be allowed. Mr. Spesia stated that seasonal items needed to be defined.

Trustee Smith stated he preferred the six month permit. Trustee Dye asked if vendors would be on different schedules with six month permits. Trustee Smith stated six months should be done the first year so traffic problems could be monitored. Trustee Bowden suggested that the six months be January-June and July-December. Mayor Baldermann stated the permit could be prorated.

Business Retention Program

Mr. Lowman reported that 10 years ago the Economic Development program began in New Lenox and since that time the focus has been on recruitment and bringing new business/industry into the Village. He stated it was important to recognize and remember existing businesses. He reported that there were 446 store-front businesses in New Lenox at over 100 different locations in the community. He added that there were over 90 home-based businesses in town. He reported that discussions were held regarding the Business Development Program to balance out the program to include the existing businesses. He stated that one new activity that he and Mayor Baldermann would like to begin was a business spotlight component where an interview with the mayor would be done for broadcast on Channel 6. He stated that he and Deb Hypke from the Chamber would conduct one-on-one visits of all local businesses per discussion with Mr. Loebe.

Mr. Lowman reported Trustee Smith discussed with him an idea for a series on Channel 6 revolving around all of the restaurants in town. He stated there were 40 food establishments throughout town.

Trustee Dye asked if only Chamber members were included on the list provided by Mr. Lowman to which Mr. Lowman stated it was all businesses. She asked if businesses that were not interested were filtered out to which Mr. Lowman stated no one was filtered out and if someone were missed he would add them to the list. Trustee Dye reported there was only one church on the list. Mr. Lowman stated he did not plan to include the churches but could add them as a separate category. Mayor Baldermann stated this was a great idea but he did not want anyone to be forgotten inadvertently. Trustee Smith stated that interested parties would step forward if they were not contacted once this program started.

Mayor Baldermann explained how the taping would be done. He noted that the original idea was to have businesses come to Board meetings but there were restrictions on what could be broadcast on Channel 6 so this idea came about. He stated it was a good idea for Mr. Lowman to contact each business personally.

Award of Contract – North Cedar Road Improvement Project

Mr. Killinger reported bids were opened on this project on June 5th with 6 bidders which were tabulated in the packet. He stated the low bidder was Davis Concrete in the amount of \$1,351,317.75 noting the estimate prepared for the project was \$1,508,000. He added there were a cluster of bids around the low bid so he was confident that the amount was good. He reported Davis Concrete references were checked with the most recent project in town being the Laraway Road & Schoolhouse project.

Motion to approve award of contract to Davis Concrete in the amount of \$1,351,317.75 for North Cedar Road Improvement Project made by Trustee Tuminello and seconded by Trustee Smith.

Mr. Killinger reported a meeting would be held on Thursday, June 25th, at the Village Hall at 4:30 - 6:30 p.m. for residents regarding this project and construction staging. Mayor Baldermann stated it was important to discuss the project with residents prior to construction. He added he was pleased to see the Board move forward on this project which should be completed this year.

Trustee Smith asked if construction would be done on one side at a time. Mr. Killinger stated there would be further discussions on the procedures. Trustee Smith asked if the engineering firm would handle this or whether it would be done in-house. Mr. Killinger stated it would be a combination of both.

Upon roll call, the vote was:

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

Motion carried.

Acceptance of Sound & Lighting Contract – KC Audio

Mayor Baldermann reported KC Audio had handled many performances including the acts that would be performing in the Commons during the Triple Play Concert Series. He added this contract amount of \$5,300 was for the first concert on June 20th and similar contract would be returning for the August 15th and September 5th shows. He stated KC Audio would provide the

sound and lighting as well as working with the band production team and Public Works staff. He noted that the first concert should be the smallest production leading up to Peter Frampton who brought a few semi-trucks of equipment.

Motion to accept Sound & Lighting Contract with KC Audio in the amount of \$5,300 made by Trustee Butterfield and seconded by Trustee Bowden.

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.

OLD BUSINESS – None

COMMENTS & QUESTIONS FROM OTHER TAXING BODIES – None

COMMENTS & QUESTIONS FROM CIVIC GROUPS & PUBLIC - None

TRUSTEE COMMENTS

Trustee Dye - None

Trustee Tuminello - None

Trustee Butterfield

Trustee Butterfield stated the Finance Committee discussed the new water tower project which would have 25% paid for through federal stimulus money and 75% funded through a no-interest state loan.

Trustee Butterfield reported that Commander Craig Phillips of the American Legion asked him to thank everyone who attended the ceremony for the Memorial Walk Way dedication.

Trustee Butterfield reported that August 30th was New Lenox Community Night at the Joliet Jackhammers.

Trustee Bowden - None

Trustee Madsen - None

Trustee Smith - None

EXECUTIVE SESSION

RECESS

Motion to adjourn to Executive Session for Section 2(c)(1) the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity AND Section 2(c)(11) litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probably or imminent made by Trustee Madsen and seconded by Trustee Smith.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting recessed at 8:08 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 8:37 p.m. Mr. Loebe and Ms. Englert were also in attendance.

ADJOURNMENT

Motion to adjourn the Meeting made by Trustee Tuminello and seconded by Trustee Smith. Upon voice call vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on June 15, 2009 was adjourned at 8:38 p.m.

Bonnie Motyka, Deputy Clerk