

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, October 26, 2009

#09-28

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:06 p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

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

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

Absent: Trustee Tuminello

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 & Development Administrator Robin Ellis, Village Engineer Scott Killinger, Police Chief Bob Sterba, Building Administrator Warren Rendleman, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Village Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

Presentation of Honorarium to Ed Selvas

Mayor Baldermann presented Ed Selvas with a Humanitarian Award for all of the charity work he has done over the years in the community and thanked him for his service to the village.

Mr. Selvas thanked the mayor and the Board for their recognition of his work noting he would continue to volunteer with the Police Department TRIAD and other organizations.

Chief Sterba commented on the work that Mr. Selvas did for the children and the seniors in the community. He added that the Police Department appreciated all of the efforts that Mr. Selvas has made.

Request for Temporary Banner – Silver Cross Hospital – Geoff Tryon

Mr. Tryon explained the temporary banner on the building would help alert the public that the building was Silver Cross Hospital. He reported in six months the entire sign package for the whole campus would come before the Board.

Trustee Smith asked how long the banner would be up and if the banner would be moved around. Mr. Tryon stated it would have to be moved around the construction and they proposed to have it up until the project was complete in two years. Trustee Smith asked if a temporary use could be given for the banner with a time limit listed. He stated that this was a six-story building with no pre-existing signage and the Board would not allow the banner on the fence. He asked about the legal standpoint to allow the sign to be moved around. Mr. Spesia asked if the request would fit the application. Mr. Rendleman answered there was not an application for this type of sign and banners were technically illegal. He added the parameters could be added to the waiver.

Trustee Bowden suggested use of a solid material versus the banner so that it would be in compliance with the code. Trustee Smith stated wood may cause a safety issue. She stated the Board had denied other applications that were against the code. Mr. Rendleman stated the sign code prohibited any type of temporary sign or banner and the material did not matter.

Trustee Butterfield asked how often the sign would be moved. Mr. Tryon stated it would have to be moved once when the precast was put on. Trustee Smith stated this would set a precedent if they were allowed to move the sign around. Mayor Baldermann reported this was new construction and this would be a temporary use.

Trustee Bowden asked that reasons be listed that made this request unique. Trustee Butterfield stated that the fact that they had no other signage made this unique. Trustee Bowden stated that the Walmart or a new hotel may not have signage either and a mechanism needed to be in place for the Board to have the protocol for these requests. Mayor Baldermann agreed that the fact that they had no sign and this was temporary made this unique. He noted that the code book could not cover everything. He added the reason for this request was that they were six stories high, were under construction and that this was a regional destination. He reported they would have to fall under temporary use and the banner would not be needed when the signage was in place.

Trustee Smith suggested a one-year time limit for the banner. Mayor Baldermann suggested the time limit be when there was a permanent sign. He noted this would be at the Board's discretion.

Trustee Dye stated the uniqueness of the situation was that this was a Hospital District which set them apart from other requests.

Trustee Butterfield stated he would not have a problem with this type of signage on an under construction hotel as long as there were no other signs. Mayor Baldermann agreed. Trustee Bowden stated this was why something needed to be done through the committee so that variances/waivers would not occur. Trustee Smith did not want the use for advertising but for identification.

Mr. Spesia stated the Board was looking at a rational basis for this waiver and the next request might not have the same impetus to allow the use. He noted it was a good idea to have a code section that the Board could rely on.

Mayor Baldermann stated waivers would always be requested and that was why the Board was there. He noted the Board made judgment calls on whether a request warranted a variance or not. He expressed his concern with crafting a new ordinance only to allow a waiver at a later date. Trustee Smith stated that with a new ordinance it would cover why requests such as this one were approved. Trustee Bowden stated petitioners would know what was expected if it were included in the code.

Motion to grant request for temporary banner for one year based upon parameters of the uniqueness of being in a Hospital District and due to location by I-355 and the size of the building under construction with no other signs on premise including signs identifying architects or contractors made by Trustee Smith and seconded by Trustee Dye.

Trustee Bowden stated that the ordinance did not have to be recreated if the Board did not think it was viable but she was looking for consistency. Mayor Baldermann stated it was the consensus of the Board to have this go to the Public Improvements Committee.

Request for Waiver of Sign Code – Central Presbyterian Church – Hope Sibson

Mr. Rendleman reported the request was for waiver of the sign code for a banner that was already installed on the church bell tower on Gougar Road. He stated Code Enforcement contacted the church a week ago regarding allowances for signs in the village. He added that Pastor Sibson and members of the congregation came before the Public Improvements Committee earlier tonight to discuss some of the options. He reported that usually these requests were for special events and this request was for a more permanent banner which was already installed on the building and did not meet sign code.

Pastor Hope Sibson stated they were unaware they were not in code and requested a variance. She noted they had no application before the Board.

Trustee Smith stated that the request was against everything in the sign code ordinance. He added that if this were allowed for this church it would have to be allowed for all churches and then with all non-taxing bodies and businesses. He stated he could not think of a category to isolate this request in. He added that in order grant a waiver of an ordinance there needed to be a reason and there was not a reason to allow this over a request from Jewel, etc. besides that this was for a religious organization.

Pastor Sibson stated she wanted more separation from church and state. She stated she wanted to be able to have the banner. She explained that the current permanent signage was not workable noting it was too close to the road, too small, and made the church invisible. She stated she read the manual from the Mr. Rendleman and thought they were within code. She noted she thought other churches received variances as to size of signs and hoped this church would receive that also.

Trustee Smith stated a change to the front signage would have a better chance at approval than the banner would. He noted there were not other churches with banners and the variances were for the street signs.

Pastor Sibson stated she spoke to Mr. Rendleman two years ago about an electronic sign adding this was not beneficial to the church due to the speed of traffic. She noted the banner was removable but they wished to have it for a period of time.

Mayor Baldermann asked how long they wished to have the banner up. Pastor Sibson stated as long as the Board would allow. Mr. Rendleman stated that temporary special event banners were allowed for a 14-day period.

Trustee Bowden stated that temporary signs were specifically for a special event and not for installation permanently on a building.

Trustee Madsen asked if other banners would be requested for certain events if the banner were allowed temporarily and if the banners would be the same size as the current banner.

Pastor Sibson stated they were trying to make the church visible and trying to work within the codes. She noted the church was small and they could not pay a facilitator. She stated they would continue to work on their signage problems.

Trustee Dye asked if there were plans to remove the existing sign on the road due to the pastor's comments. Pastor Sibson stated the Administration Commission of the church discussed planting bushes in front of the sign so it was no longer a sign and then directing their energy to a sign that would be visible. Trustee Dye stated she did not think that camouflaging the sign with bushes would allow the church to have the banner.

Mayor Baldermann stated the Board knew that the church did not intend to violate the sign codes and were just concerned with setting precedents. He suggested that the Board consider allowing the temporary banner with the stipulation that the church work on a new permanent sign with staff and once the new permanent sign was in place then the banner would be removed.

Trustee Butterfield asked if the size of the banner adhered to the code now. Mayor Baldermann stated it did not.

Trustee Dye stated asked if other special event banners would be requested between now and the end of the year or if only this banner would be requested. Pastor Sibson stated no other banners were requested. She noted the church would be grateful if the Board approved

Mayor Baldermann's suggestion. Mayor Baldermann noted the Board was in a tough spot due to other requests that would come in.

Trustee Madsen suggested a six-month time period be set. He added an update would need to be provided to the Board at that time.

Trustee Bowden asked what size banner would be allowed if the request were for a two week event. Mr. Rendleman stated the maximum size allowed was 50 square feet for special events. He noted this signage was well over that allowable maximum noting it would not meet the criteria for a special events sign due to the size. Mayor Baldermann asked if it were possible to put up a banner that fit the 50 square foot criteria. Pastor Sibson stated the sign maker was not in attendance but she was sure he would work with her. Mayor Baldermann stated the Board was trying to work with her for a solution. He stated that the sign would have to conform to the size allowed for special events and it would have a time stipulation placed upon it if the Board chose to approve this request. Trustee Smith stated the size of the sign was substantial. Pastor Sibson stated the sign was 10 x14. Trustee Smith stated that was 140 square feet. Mayor Baldermann asked what Silver Cross received to which Trustee Smith stated their banner was more than 312 square feet. Trustee Smith added that the church had a sign in front of their building and Silver Cross did not. He stated there were a lot of churches in the village and other businesses that requested more signage.

Trustee Madsen stated the church did not have immediate residential located next to it.

Trustee Bowden commented on how nice the church looked and thought they did not need the banner to attract attention. Pastor Sibson stated the banner showed what the church was about. Trustee Bowden stated she had a hard time with the size of the sign noting she had denied other signs in the past. She noted the Board took months to redo the sign ordinance and the current banner on the building was so visible. Mayor Baldermann stated the Board could allow a smaller sign that conformed to the sign code and if the church did not want to use that it would be their decision.

Motion to deny the request for waiver of sign code for Central Presbyterian Church made by Trustee Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES:	<u>4</u>	Trustees Dye, Bowden, Smith, and Butterfield
NAYS:	<u>1</u>	Mayor Baldermann
ABSTAIN:	<u>1</u>	Trustee Madsen
ABSENT:	<u>1</u>	Trustee Tuminello

The motion to deny carried.

Mayor Baldermann stated they could continue working with staff on a change in the sign. He noted this was a difficult decision for the Board but they had to be concerned about precedent. Pastor Sibson asked how much leeway she had to remove the sign due to her sign person working long hours and not being able to immediately remove the sign. Trustee Smith asked that the church make an effort to remove the sign.

Trustee Bowden asked if this sign would fall outside of the special events code if they used the sign as a temporary ground sign. Mr. Rendleman stated there were several options for temporary banners including a sandwich panel or another 50-foot square foot banner on the building. He noted this could be for a short period of time. Trustee Bowden suggested the church check with Mr. Rendleman about the process to recycle this banner until the permanent sign was changed. She stated the message portion of the banner would fit the size requirement but the rest of the sign did not.

Request for Sponsorship of New Lenox Calendars – New Lenox Historical Society – Lori Lindberg

Mayor Baldermann reported the Board had always been supportive of the Historical Society and their efforts. He stated the Village sponsored their 2009 calendars which were given to residents at the front counters. He noted the Historical Society requested the Village sponsor the 2010 calendars at a cost of \$5,000.

Trustee Bowden asked if there were other sponsors that could share the cost of the calendars. Ms. Lori Lindberg stated one sponsor was chosen each year adding that last year the most requests came from the Village sponsored calendars. She noted that these calendars would be sent out all over the country.

Motion to approve the request for sponsorship of New Lenox Calendars from New Lenox Historical Society made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 5 Trustees Butterfield, Smith, Bowden, Dye,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 1 Trustee Madsen

ABSENT: 1 Trustee Tuminello

The motion carried.

CONSENT AGENDA

Motion to approve the Consent Agenda #09-28 consisting of 5 items as presented in packet made by Trustee Bowden and seconded by Trustee Smith.

Item up for approval at this time is as follows:

- A - Minutes of Regular Meeting of October 12, 2009
- B - Minutes of Regular Meeting of October 19, 2008
- C - Letter of Credit Reduction – Crystal Springs Unit 1
- D - Letter of Credit Release – Walker Country Estates Unit 4
- E - Request for Temporary Signs – Drumstick Dash 5K Race & Fitness Walk

Upon roll call, the vote was:

AYES: 6 Trustees Dye, Bowden, Smith, Butterfield, Madsen,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 3 Trustee Dye on Item A
Trustees Smith and Madsen on Item B

ABSENT: 1 Trustee Tuminello

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance Amending Title 106 of Municipal Code – Cemeteries and Columbariums -1st Read

Ms. Ellis reported that a local church and cemetery were discussing the installation of a columbarium on their property. She reported that the Village Attorney determined that churches were allowed special uses in residential districts but cemeteries were mentioned in the agricultural district. She added that columbariums were not addressed in the village code. Ms. Ellis reported the amendment to all of the residential districts in the ordinance would list cemeteries and columbariums as eligible special uses which require a public hearing before the Plan Commission, Board approval and would allow restrictions to be placed on a case-by-case basis. She noted this would ensure that the use would have uniformity in the neighborhood.

Trustee Smith asked if the Building Code would need to be changed for columbariums. Mr. Rendleman stated he was not sure of the construction material requested. Trustee Smith added that most were stone with full foundations with full cubicles approximately 1.5 feet to 2 feet deep noting they could be 6-8 feet high. Mr. Rendleman stated there were masonry requirements for most districts currently and they would have to meet the height and area code requirement.

Trustee Dye asked if the materials had been provided with the design. Ms. Ellis stated a basic design had been sent.

Trustee Butterfield stated the structure was on a concrete pad.

With no further comments, Mayor Baldermann stated this would return for second read when ready.

Ordinance Amending Title 78 of Municipal Code – Parkway Trees & Model Home Permits – 1st Read

Ms. Ellis reported this amendment was proposed due to a request from a local builder to allow a replacement model home permit to be issued in the event an existing model home was sold. Board concerns were expressed last meeting regarded the location of the replacement model home compared to the other model homes. She added that in review of the Subdivision Code it was determined that there was no requirement for the model homes to be clustered together. She noted this amendment would allow a replacement as long as it did not exceed 10% of the number of lots or up to a maximum of six models.

Ms. Ellis reported the second portion of the amendment would allow the same variety of parkway trees as were amended in the Zoning Ordinance provisions. She stated this would make the Subdivision Code and the Zoning Ordinance consistent to include the expansion of allowable parkway trees.

Trustee Bowden stated the requirements for the model homes including paved roadways and improvements. Ms. Ellis stated it would have to have road way access and water within 300 feet. Mr. Rendleman added the subdivision would almost be fully improved before the house was built.

Trustee Butterfield expressed concern with adding a model home next to an existing home and suggested a time limit of two years be set on the model home. He stated an existing homeowner might not want live next to a model home that was added after they had built their home.

Trustee Smith stated the model home could be done in the first phase of the construction. Ms. Ellis stated this issue arose due to changes in the code noting that models that were built in the first phase could not be built in later phases.

Trustee Bowden agreed with Trustee Butterfield noting that there would be an increase in traffic with the model home.

Mayor Baldermann suggested that if the model home were adjacent to an existing residential property that the existing homeowner had to sign off on allowing this model. Trustee Smith asked if the model home was built first if this would still need to be done. Mayor Baldermann stated this would be with pre-existing buildings. Mr. Rendleman stated they could figure out how to enforce this.

Trustee Smith asked if the additional asphalt allowed to a model home would be allowed with the additional model. Ms. Ellis stated the subdivision was limited to one model home parking lot and they would not be allowed multiple lots.

Trustee Madsen stated the builder had a responsibility for disclosure such as the request recently for trail removal because the home buyer was unaware.

Trustee Dye suggested language be added that if permission from the existing homeowner was requested and denied that the Village would not become the arbitrator for the situation.

Mayor Baldermann stated the Board would not approve something that would negatively impact an existing resident.

Resolution #09-30 Authorizing Execution of Assignments of Certain Payments to be made Pursuant to Section 3H of McVickers Amended and Restated Economic Incentive Agreement – New Lenox Town Center

Mayor Baldermann reported that Walmart and Menards construction was underway with the site work being done by Walmart and the road work being done by Menards. He stated this resolution authorized the Mayor and Village Clerk to execute the acknowledgement by the Village of these assignments.

Motion to adopt Resolution #09-30 authorizing execution of assignments of certain payments to be made pursuant to Section 3H of McVickers amended and restated Economic Incentive Agreement for New Lenox Town Center made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

AYES: **6** Trustees Butterfield, Madsen, Dye, Bowden, Smith,
and Mayor Baldermann

NAYS: **0**

ABSTAIN: **0**

ABSENT: **1** Trustee Tuminello

The motion carried.

Ordinance #2071 Declaring Surplus Public Property and Authorizing its Sale at Auction – Seized Vehicle

Mayor Baldermann reported the seized vehicle was a 1994 Chevy Corvette to be sold at public auction.

Motion to adopt Ordinance #2071 declaring surplus public property and authorizing its sale at auction – seized vehicle made by Trustee Madsen and seconded by Trustee Dye.

Upon roll call, the vote was:

AYES: 6 Trustees Madsen, Dye, Butterfield, Smith, Bowden,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

Ordinance #2072 Authoring the Issuance of \$8.8 Million in General Obligation Bonds, Series 2009

Mayor Baldermann reported the Board had discussed refinancing due to the low interest rates noting other communities were also headed in this direction. He added that bond counsel Ray Fricke was in attendance to answer any Board questions. He stated that by refinancing the Village expected to lower the debt over the next three years by \$4 million; \$1.3 million in fiscal year 2010, \$1.5 million in fiscal year 2011, and \$1 million in fiscal year 2012.

Trustee Butterfield stated the low rates would work out best for the Village. Mr. Loebe reported the final award of these bonds would be in November.

Motion to adopt Ordinance #2072 authorizing the issuance of \$8.8 million in General Obligation Bonds, Series 2009 made by Trustee Butterfield and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYES: 6 Trustees Dye, Bowden, Smith, Butterfield, Madsen,
and Mayor Baldermann

NAYS: 0

ABSTAIN: 0

ABSENT: 1 Trustee Tuminello

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported on his attendance at Make a Difference Day at Lincoln Way West hosted by Lincolnway Christian Church and Operation Care Package on October 24th.

He stated Sgt. Devlin who after graduating high school served in the Gulf War and after a 15-year leave went back to Afghanistan was honored at the event.

Mayor Baldermann reported Trick or Treat hours on October 31st were 3 p.m. to 7 p.m. to allow the children to be out during daylight hours. He noted the earlier start time was amended due to the overwhelming requests from residents for the change.

Mayor Baldermann stated that the Chamber of Commerce Halloween Parade would be on October 31st at 11:30 a.m. He added that over 700 people attended the 2009 parade.

Mayor Baldermann reported everyone was excited about the Walmart/Menards project coming to town as well as the current Target/Lowes facility. He stated the big box stores were convenient and provided great sales tax revenue for the community. He noted that he was trying to do most of his shopping in New Lenox and asked residents not to forget the local, small businesses that have been in New Lenox before the big box stores. He reported that in doing the Business Spotlight Program on Channel 6 he found that a lot of the local business owners are also New Lenox residents.

VILLAGE ATTORNEY – None

VILLAGE CLERK

Ms. Englert reported that anyone interested in becoming an Election Judge should contact Will County Clerk Nancy Schultz-Voots.

POLICE CHIEF - None

FINANCE DIRECTOR – None

PLANNING & DEVELOPMENT ADMINISTRATOR - None

BUILDING & ZONING ADMINISTRATOR - None

ECONOMIC DEVELOPMENT DIRECTOR - None

VILLAGE ENGINEER

Mr. Killinger reported that the Cedar Road project had the final lift of asphalt was in place. He stated the final step in the project was the striping which would be done when the weather was dry.

PUBLIC WORKS SUPERINTENDENT - Absent

VILLAGE ADMINISTRATOR – None

PAYMENT OF BILLS

Motion to approve disbursements in the total of \$3,431,473.24 which includes bi-monthly payroll in the amount of \$5,880 and bi-weekly payroll in the amount of \$302,105.02 both payable on October 9, 2009 and bi-weekly payroll in the amount of \$325,862.25 payable on October 23, 2009 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

AYES: **6** Trustees Dye, Bowden, Butterfield, Smith, Madsen,
and Mayor Baldermann

NAYS: **0**

ABSTAIN: **0**

ABSENT: **1** Trustee Tuminello

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None**TRUSTEE COMMENTS****Trustee Dye**

Trustee Dye reported the program to design vehicle stickers would be postponed until next year so the planning could be done.

Trustee Tuminello – Absent**Trustee Butterfield**

Trustee Butterfield stated WJOL suggested the hours of Trick or Treat be changed to noon due to taking advantage of daylight hours.

Trustee Bowden stated she liked the earlier hours but there was more traffic midday.

Trustee Bowden

Trustee Bowden hoped everyone would have a safe Halloween.

Trustee Madsen

Trustee Madsen wished everyone a Happy Halloween.

Trustee Smith

Trustee Smith reported the Police Department was still doing their Coat Drive hoping to collect 1,000 coats. He stated currently they had collected around 800 and encouraged residents to donate their coats to the Police Department or the Chamber of Commerce or to the Fire Department. He stated that the vouchers for picking up a coat were available at the Police Department and the coats were held at the Morningstar facility on Route 30.

Trustee Smith reported Lincoln Way Central would be busy this weekend with a girls volleyball tournament and the first round of the varsity football games.

Trustee Dye asked about the condition of the coats that were being collected. Trustee Smith stated they were new and used coats.

EXECUTIVE SESSION - None**ADJOURNMENT**

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried with Trustee Tuminello recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on October 26, 2009 adjourned at 8:19 p.m.

Bonnie Motyka, Deputy Clerk