

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, April 20, 2009

#09-10

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, Planning & Zoning Administrator Robin Ellis, Village Engineer Scott Killinger, Finance Director Kim Auchstetter, Police Chief Bob Sterba, 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 on recent requests for use of the marquee in front of the Village Hall by other taxing bodies and non-for-profit groups. He asked for Board feedback in allowing use of the signs by these groups with the following guidelines: Village messages have priority; one other group message at a time; first come first serve request considered; and, 10 day prior to event time limit. He noted the Library Spring Arts Festival was April 25th and VFW Poppy Day was May 2nd and both requested use of the sign. He stated he thought it was the Village's

responsibility to be the glue holding the community together. He noted the sign would not be used for businesses.

Trustee Smith stated his concern confusion with location of the events because it was listed on the Village sign. He noted for Village-wide events or events from the Library which was located in the Commons he did not have a concern. He suggested a tie-in with signage for the location of the event if the location was outside of the Commons ring road.

Trustee Dye stated the sign could be limited to use by other taxing bodies to limit the confusion. She noted that allowing non-for-profit groups would widen the possible use and the Village may end up turning away requests.

Mayor Baldermann reported that in order for the sign to be successful the pertinent event information would need to be on the sign.

Trustee Butterfield suggested opening up the sign to everyone and waiting to see the results. He stated he did not think there would be a lot of space for advertising with all the things happening at the Village.

Trustee Bowden stated that with all of the activities, especially this time of the year, she had concerns with last minute or urgent messages that the Village would need the sign to display. She did not want groups to have a false hope for the advertising of their event. Mayor Baldermann stated this could be an added condition for use of the marquee sign. He stated he thought the Village had an obligation to assist the non-for-profit groups and other taxing body groups.

Trustee Smith stated these groups could also get their message out on Channel 6 which had more viewers than the sign would have.

Trustee Madsen suggested trying this on a pilot program and trim it down as issues happened.

Mayor Baldermann asked if anyone objected to allowing use of the sign with the guidelines he suggested earlier. He noted the message would need to fit on the sign with proper identification of location of the event.

Trustee Tuminello stated he did not have a problem trying this out but would like preference to go to the taxing bodies first.

Mayor Baldermann listed the conditions again adding that Village business and taxing bodies would have priority over non-for-profit groups and asked for Board consensus.

Trustee Bowden stated she did not want this to be labor intensive for Village staff and suggested bringing this back after further study.

Mayor Baldermann stated if there was no objection at this time he would like to allow the Library to put their Spring Festival on the sign as well as the VFW Poppy Day. He stated he would work on having the parameters outlined.

Trustee Bowden stated she would work on a proposal for a Village Bulletin Board so all activities could be listed on that.

Finance – Trustee Dye

Trustee Dye reported the committee met prior to the meeting and discussed the budget items to be discussed later in the agenda.

Water & Sewer – Trustee Smith

Trustee Smith reported the committee met and discussed the draft 2009 sewer study and how it would be upgraded.

Trustee Smith reported the committee discussed upcoming sureties.

Public Safety – Trustee Bowden

Trustee Bowden reported the committee met on March 30th and discussed the Safe Communities update noting the information was included in packet.

Trustee Bowden reported the committee discussed a question she had on the CN Railroad and where emergency planning information was at in relation to departments. She stated they were starting to look at the process that could be taken to address possible problems with the additional train traffic.

Trustee Bowden reported the Unwanted Prescription Medication Disposal Program was extremely popular. She noted the bin was being emptied daily with overflowing collections. She stated she originally had concerns with the safety of the box but noted it was difficult to see how tampering could be done.

Trustee Bowden reported the committee discussed Thor Guard sensors for this year's budget for use in the Commons for lightning detection.

Development & Land Use – Trustee Tuminello

Trustee Tuminello reported the committee would meet on April 21st.

Streets & Drainage – Trustee Madsen

Trustee Madsen reported the committee met on April 13th and discussed the bridge program proposal. He explained that IDOT required the Village to have a bi-annual bridge inspection every two years noting the inspection had to be done by a certified engineering contract. He reported a price was being negotiated with Smith Engineering adding the agreement should be ready soon for the 4 bridges in town.

Trustee Madsen reported the committee discussed the Prairie and Route 30 signalization which was moving forward. He noted the light poles were being installed and ComEd should be out to activate the poles the first week in May.

Trustee Madsen reported the committee discussed the Williams Street improvements. He added that plans had been provided to McVickers and Dennis McPartlin who were waiting for IDOT permits so the project could be started. He stated the sidewalks would be installed on the west side of Williams Street.

Trustee Madsen reported the committee discussed the signalization at Gougar Road and Haven Avenue. He stated a change order would come to the Board due to the church entrance being too close to the intersection and the need to move it east. He added this was an unforeseen item which would be split with Will County. He noted the change order would be for \$24,800.

Trustee Madsen reported the committee discussed pond maintenance and erosion. He stated the committee looked at encouraging developers to use erosion controls on larger ponds.

Trustee Madsen reported the committee discussed the 2009 stimulus money noting that from Will County Governmental League the Village would receive \$349,000. He stated the money was only limited to overlays and selected patching. He noted the selected routes had to be federal aid urban routes within the Village. He reported the route were previously dedicated and were collector or minor arterial streets. He listed the proposed streets: Haven Avenue from Gear to west of Honey; west of Victorian to east of Brittany; Vine Street from Route 30 to Haven Avenue; Cedar Road from 100' south to 128' north of Illinois Highway; Gougar Road from Route 6 north 1,320'; and, Nelson Road from the E J & E Tracks to Laraway Road.

Public Improvements – Trustee Butterfield

Trustee Butterfield reported the committee met in March and discussed the precast requirements and specifications on buildings in New Lenox being constructed to a higher industry standard.

Trustee Butterfield reported the committee was discussing a possible ordinance regarding abandoned houses due to foreclosures or vacancies. He noted this was for upkeep and would allow stricter code enforcement. Trustee Dye stated all trustees received calls regarding abandoned housing and she was glad this item was being discussed for safety purposes.

Mayor Baldermann reported the swearing in for trustees would be May 11, 2009. He reported in new committee assignments would be in packet next week adding that Board questions should be addressed to him this week.

NEW BUSINESS

New Lenox Green Kids – Hope Berry

Mayor Baldermann introduced Hope Berry from St. Jude's School who started New Lenox Green Kids and eco-friendly bags to be sold at the Farmers Market.

Ms. Berry explained how she got involved in starting an environmental club and how she was trying to get the bags for the Farmers Market. She showed a sample bag that would have her New Lenox Green Kids logo on it. She reported she was working on her website and getting her classmates involved.

Mayor Baldermann reported the Village would help her get her message out to the public. He stated the Board was proud of her for her efforts to help the community and the environment.

PUBLIC HEARING – FY 2009-2010 Annual Comprehensive Budget

Mayor Baldermann opened the public hearing at 7:29 p.m. Ms. Englert provided proof of notice.

Ms. Auchstetter reported the Board met on March 25th to discuss the draft budget noting tonight's presented budget had not been changed since that meeting. She stated the total budget presented was \$69,903,041. She added the total budget included transfers between funds and capital projects noting that without those large items the net operating budget was \$25,499,279. She reported the budget was extremely conservative on both revenue projections and expenditures due to the nationwide economic downturn. She stated only essential expenditures and obligations necessary to maintain current service levels to the residents were included in the budget. She reported the General Fund was down 3.7% over last year's budget. She stated there were no new personnel included in the budget, vacant authorized positions were created through attrition and would not be replaced, reduction in healthcare costs with greater employee cost sharing was included, and no discretionary expenditures or rolling stock/equipment replacement included. She reported that there were major road improvements which would continue. She stated Gougar Road & Haven Avenue intersection was included as well as North Cedar Road widening and Route 30 widening. She reported on the 1-million gallon water tower which would be located on north Cedar Road and Route 6 as a portion of the capital projects. She reported the three major concerts were a new revenue source. She stated the ticket sales from the concerts would fund the \$100,000 free events that occur in the Commons.

Mayor Baldermann thanked staff and the Finance Committee for working on this budget. He reported many communities were downsizing and New Lenox was fortunate not to have to resort to that. He thanked all staff members for serving the community.

Trustee Dye reported that the budget read that only essential expenditures and obligations necessary to maintain service levels to residents had been included in this year's operating budget. She stated that at the recent Town Hall meeting there were ideas that would cost the Village more money and it was explained that this was not the right time to do them.

There were no public comments. Mayor Baldermann closed the public hearing at 7:35 p.m.

Resolution #09-10 Amending FY 2008-2009 Comprehensive Annual Budget

Motion to set aside the rules to take action at a work session for all items on tonight's agenda made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried.

Motion to adopt Resolution #09-10 amending the FY 2008-2009 Comprehensive Annual Budget made by Trustee Butterfield and seconded by Trustee Dye.

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.

Resolution #09-11 Adopting FY 2009-2010 Comprehensive Annual Budget

Motion to approve Resolution #09-11 adopting the FY 2009-2010 Comprehensive Annual Budget made by Trustee Dye and seconded by Trustee Butterfield.

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.

Farmers Market Presentation

Mr. Merrill Marxman introduced himself and gave a brief background of his involvement with Farmers Markets. He reported the Farmers Market in New Lenox would begin on May 16 and run through the second week in October from 8 a.m. to 1 p.m. He noted the market would be located in the south parking lot behind the Village Hall and would have about 30 vendors midsummer. He added that he received a lot of interest from vendors wishing to participate in the New Lenox market. He explained the give-away advertising and other events he had planned for the market.

Trustee Smith asked about utilities needed for the market. Mr. Marxman explained that the vendors would need electricity and all had to meet Health Department requirements. He explained the parking and how the market would be set up. Trustee Smith asked about the

parking for Village Hall customers. Mayor Baldermann reported staff was consulted regarding the parking on Saturdays and utility requirements.

Trustee Tuminello asked about the liability insurance holding the Village harmless. Mayor Baldermann reported this point had been worked out over the last month. Mr. Marxman elaborated this point.

Trustee Bowden stated she was excited to have a Farmers Market in New Lenox noting she received comments from residents that were glad to have this coming.

Request for Temporary Use – New Lenox Commons Farmers Market

Motion to approve the request for temporary use for New Lenox Commons Farmers Market made by Trustee Bowden and seconded by Trustee Smith. Upon voice vote, the motion carried.

Resolution #09-12 Authorizing Execution of Agreement for Farmers Market

Motion to adopt Resolution #09-12 authorizing execution of agreement for Farmers Market made by Trustee Smith and seconded by Trustee Bowden.

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.

Request for Temporary Signs – New Lenox Commons Farmers Market

Motion to approve the request for temporary signs for New Lenox Commons Farmers Market made by Trustee Madsen and seconded by Trustee Smith. Upon voice vote, the motion carried.

Hibernia Water Park

Mayor Baldermann reported the Board had discussed the parking situation at Hibernia Park in the past. He noted that Hartz Construction found the existing parking situation to be detrimental to their sale of remaining lots. He noted that the parking could pose a safety hazard. He explained Lot 39 was offered for sale to the Park District. He added the Park District requested diagonal parking in the parkway on Blarney with the Village limiting on-street parking on Blarney and Eagle Circle. He noted the Trustee Smith suggested the parking be limited by

season or hourly. He reported that both the Park District and the developer were concerned about the safety of the children and integrity of the neighborhood.

Mayor Baldermann stated the Park District and Mr. Phil Hartz would make a short presentation this evening regarding this subject. He noted that he had discussion with both parties as did the Land Use Committee.

Trustee Dye reported she received the letter on the dais and in full disclosure wanted the full Board to see all of the information available.

Mr. Greg Lewis, Executive Director of New Lenox Community Park District, reported that the park was open 16 weeks out of the year with the busiest hours being 11 a.m. to 2 p.m. He noted the park was open from 10 a.m. to 6 p.m. He reported the Park District was looking for a solution that was economically feasible. He noted Option 1 was to have diagonal parking on Blarney which would double the amount of spaces available for a total of 30 spots plus 2 ADA-accessible spaces. He stated this would cost the Park District \$27,200. He added this would provide parking close to the activities. He reported that Hartz Construction originally offered Lot 39 for \$200,000 and was now offering it for \$106,000. He explained that impact fees were discussed for payment but that money was used as income to be used in parks. He explained the cost of this site noting that only 4 lots out of 230 had been sold in the subdivision. He noted they did receive money from an OSLAD grant for a portion of the cost. He reported Option 2 would be to have parallel parking in the easements along Eagle Circle with Option 3 using the open space which would be too close to the park site for parking. He reported there were 36 park sites with 23 parking lots. He noted 17 sites had curbside parking, 11 had both lots and curbside parking, and 6 parks had curbside only. He stated Hibernia Park was designed similar to all of the other parks.

Trustee Bowden reported the only difference was that this was a community park versus a neighborhood park. She noted this park had unique amenities which attracted visitors from all over the community. Mr. Lewis stated future parks were being looked at for these splash pads. Mayor Baldermann noted the Park District had a plan similar to Frankfort where visitors were charged to use this park. Mr. Lewis noted the Park District looked into fencing off the area and having staff at the park. He stated a point of the OSLAD grant was keeping the park wide open and free of charge.

Trustee Bowden asked what the Board's role was in this discussion. Mayor Baldermann stated the Board had an obligation to ensure that whatever the park was doing did not impose on the quality of life of the residents in the area. He stated the Village had to look at the parking situation and determine if limitations should be placed due to the amount of activity.

Mr. Lewis reported the Park Board approved Option 1 at their recent Board meeting. He noted they were looking to start this before the park opened on Memorial Day.

Trustee Dye stated the OSLAD grant was actually a reimbursement of cost of expense. She added there was not money left to spend on the park. Mr. Lewis agreed.

Trustee Tuminello stated the Hartz proposal for Lot 39 would allow for 50 parking spaces and asked if the Hartz offer of the lot for \$156,000 paid with future impact fees would have passed the Park Board. Mr. Lewis stated in the end it would end up being cash for the Park District because the money was spent to build the park site already. He noted the Park District needed the incoming money from this development in order to move on to install other subdivision parks. Trustee Tuminello asked how many other parks had parkway parking. Mr. Lewis stated there were 6 sites that had curb only parking and 11 with both lots and curbside. He noted this proposal was approved for Prairie Ridge as well.

Trustee Dye stated the estimates were for asphalt lots and asked if stone lots were discussed. Mr. Lewis reported they did that in the past at Bentley-Tyler which caused problems with the residents with the dust as well as cars parking all over causing loss of spots.

Mr. Phil Hartz, Hartz Construction, stated the concerns began last June due to the amount of cars attracted to this popular park. He noted his first thought was that the park was an asset to Hibernia but had concern with the cars parked on the streets. He was concerned with the diagonal parking and possible safety concerns with children in the existing homes and future homes. He stated the simple solution would be to have all of the parking in one area noting that Lot 39 would be the best option and would add another 24 spots for a total of 39 spaces for parking. He added that Hartz had another 186 lots left to sell in Hibernia and credit from the Park District for the lots would come to half of the cost.

Mr. Doug Blocker, Hartz Construction, stated concerns involved access to the diagonal parking on Blarney and how cars access the area. He stated the parallel parking would need room for cars to move around. He stated the Hartz proposal provided more circular access for traffic movement and would be closer to the site. He reported the homeowners across from the park would be looking at asphalt and parked cars. He stated this option would have a negative impact on the residents in the area. He did not think the restricted parking would be fair to the residents. Mayor Baldermann stated that a lot of communities used restricted hour parking.

Trustee Madsen asked where the original price for the lot of \$200,000 came from. Mr. Hartz stated that was the cost and the profit of the lot. Trustee Madsen asked about the counteroffer proposed today. Mr. Hartz reported that offer was \$186,000. Trustee Madsen stated that Lot 39 was not close to the amenities of the park. Mr. Hartz stated they were not consulted with the design of the park. Trustee Madsen asked if other amenities in other parks might diminish the popularity of this park. Mr. Hartz stated he did not think that would happen because this park had more to offer than any other park in New Lenox. Trustee Madsen asked if Hibernia Park was used as a selling point for the subdivision. Mr. Hartz stated it was.

Mayor Baldermann stated the sale of Lot 39 was between the Park District and Hartz Construction. He reported the Board would be involved with the Park District solution of using the right-of-way on Blarney and the second step of parking on Eagle Circle. He stated the Board needed to act on the on-street parking issue. He reported he thought that there should be no parking on either side of Blarney if the Park District solution were used. He stated that Eagle Circle could have on-street parking on the park side but not on the residential side.

Trustee Smith explained that there was a park in Tinley Park that had a lot across the street from a residential area which used diagonal parking. He added there was not an issue with it that he knew of. He addressed comments about property values decreasing noting it did not happen in his area when a park was added. He stated he did not think on-street parking would be a big issue in this area as long as it was controlled on the residential side. He stated he understood the traffic flow concern on Blarney Road asking if Blarney Road could be made into a one-way street. Trustee Dye stated there were about 5 homes. Trustee Butterfield stated a turnaround pad could be added. Trustee Smith added no parking would have to be posted for the pad. He stated the parallel parking proposed on Eagle Circle needed to have larger spaces for safety purposes.

Trustee Smith spoke on a comment from Mr. Hartz that the lot would cost the Park District nothing. He stated the impact fees were used for specific areas for residential services.

Trustee Madsen agreed with the Park District decision for Option 1 and thought this should move forward. He stated the traffic should be monitored to determine the signage and restrictions that could be added.

Trustee Bowden agreed with the Park District and thought the one-way suggestion could be a viable option with additional signage. She stated there were few homes there currently and this should be done before more sales were made. She stated she heard good comments on this park and thought resolution of this problem would assist with sales in the area.

Trustee Tuminello stated Land Use Committee saw a plan where the sidewalks were moved away from the cars and the current plan showed the sidewalks right against the parking. He asked if there was money to move the sidewalks. Mr. Lewis stated he would look into this.

Trustee Dye stated both parties had compelling reasons for their options. She noted she leaned toward the Park District because the park was there before the homes. She stated all lots north of the park were empty and potential buyers would know of the park's existence.

Trustee Smith asked about maintenance of the parking spots due to their location in the Village right-of-way. Mr. Loebe stated staff would continue to work with the Park District on a more comprehensive plan if the Board so directed including the maintenance issue. Mayor Baldermann noted this would have to go through engineering for a solution before the park opened.

Mr. Blocker discussed the parking spots and suggested perpendicular spots if that option was chosen. Trustee Bowden stated that the Engineering Department would determine which option for the spaces worked best.

Board consensus was Option 1 should be explored. Mayor Baldermann noted this would be monitored for future restrictions. He asked for recommendation from staff regarding street signage. Trustee Bowden added that one-way restrictions could be added. Mayor Baldermann stated no parking on the residential side on Blarney and Eagle Circle needed to come back quickly. He noted the determination would be the timing of the restriction.

OLD BUSINESS - None

COMMENTS & QUESTIONS FROM OTHER TAXING BODIES – None**COMMENTS & QUESTIONS FROM CIVIC GROUPS & PUBLIC**

Mr. Dave Zakula made comments on the Hibernia Park issue. The Board explained that the development of a park was a Park District decision. Mr. Zakula congratulated the returning Board members on their success in the recent election. He asked about the improvements to Route 30 and whether the improvements would extend to the area from Schoolhouse east to Target. Mayor Baldermann stated the area would have a turn lane added noting there would be different improvements to all areas along Route 30. Mr. Zakula asked about the extension of Nelson Road south to Illinois Highway. Mayor Baldermann reported the developer of that property would be responsible for the extension. He noted it was the Board's unanimous decision that Nelson would have to be put in before any development was done in that area. Mr. Zakula commented on the Village sign use request and religious group use.

TRUSTEE COMMENTS

Trustee Dye - None

Trustee Tuminello

Trustee Tuminello thanked voters for their support noting he looked forward to continuing to work with the current Board.

Trustee Butterfield

Trustee Butterfield congratulated the returning Board members.

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried. The meeting recessed at 8:47 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 9:20 p.m. Mr. Loebe and Ms. Englert were also in attendance.

Matters of Personnel

Motion to hire Don Winnie for Channel 6 Cable at the salary of \$40,000 made by Trustee Butterfield and seconded by Trustee Madsen.

Upon roll call, the vote was:

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

NAY: 0

ABSTAIN: 0

ABSENT: 0

Motion carried.

ADJOURNMENT

Motion to adjourn the Meeting made by Trustee Smith and seconded by Trustee Madsen. Upon voice call vote, the motion carried. The Regular Meeting of the Village of New Lenox Board of Trustees held on April 20, 2009 was adjourned at 9:21 p.m.

Bonnie Motyka, Deputy Clerk