

MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES
New Lenox Village Hall, 1 Veterans Parkway
Monday, April 27, 2009

#09-11

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:00 p.m. by Temporary Chair Raymond Tuminello 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 Smith, Butterfield, Bowden, Dye, and Temporary Chair Tuminello

Absent: Trustee Madsen and Mayor Baldermann

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 Clerk Marcia Englert, Finance Director Kim Auchstetter, Planning & Development Administrator Robin Ellis, Village Engineer Scott Killinger, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ron Sly, Economic Development Director Randall Lowman, Assistant to the Administrator Carol Hennessy, Plan Commission Chairman Mark Muehlnickel, Attorney Chris Spesia, and Deputy Clerk Bonnie Motyka.

CITIZENS REQUESTS & SPECIAL REQUEST

Presentation of GFOA Excellence in Reporting – CAFR Award

Trustee Dye presented the Government Finance Officers Association of the United States and Canada's Excellence in Reporting CAFR Award to Ms. Kim Auchstetter. Trustee Dye reported that this was the 25th year the Village of New Lenox received this award.

Presentation by Will County Health Department

Ms. Mary Coffey, Will County Health Center, outlined the services that were available through the Will County Health Department. She stated there were 104 employees to provide services to the citizens of Will County. She provided packets with information on frequently asked questions including swine flu. She reported they received a federal designation in 2001 and now received appropriation money from the government. She reported the community health center served the underinsured and underserved in the community by providing high-quality and preventive care. She noted the facility was open late twice a week and had Saturday/Sunday hours adding they also provided dental care. She reported they had 10 physicians, 3 nurse practitioners, and 4 part time dentists. She stated this was not a free clinic and the minimum payment would be \$25 based upon income. She added the ability to pay was based upon federal standards of income. She reported their funding came from most insurances, federal, state and local grants, local tax dollars, and donations. She stated the center was also a site for students to do internships. She thanked the New Lenox community for donations they gave or made for use with patients during the holidays.

Trustee Butterfield asked for their location. Ms. Coffey stated they were on Neal Street in Joliet across from the Health Department on Ella. Temporary Chair Tuminello requested a contact number. Ms. Coffey stated they could be reached at 815-727-8670.

Request for Revised Landscape Plan and Phasing – Silver Cross Hospital

Ms. Ellis reported the Village Board approved a landscape plan in October for the overall hospital campus. She stated that as Silver Cross moved forward bidding out different components they proposed to reduce the amount of landscaping from the original plan which in many areas exceeded the minimum Village requirements. She noted they also requested that due to the scope of the work they be allowed to phase the installation of the landscaping over a 5 year period. She showed their final landscape plan which included the reduction in the number of trees along the northern detention pond as well as along the detention pond on Clinton Street.

Ms. Ellis outlined the proposed reductions. She stated on the interior parkway the proposal was to reduce by as much as 25% the number of plant units due to the location of the retaining wall and trying to accommodate all of the parking lot fixtures in that limited area. She stated proposed minimal changes on the south were due to the location of the ComEd lines noting that the original plan also incorporated a reduction. She explained that on the east perimeter where they backed up to the proposed Meijers Store the proposal was for a reduction in that area. She stated that in the south parking lot the proposal was to have one tree per island instead of the approved two. She reported they had a number of trees along the perimeter drives which helped to compensate for that change.

Ms. Ellis reported there was a proposal to phase in the landscape showing what they would install prior to occupancy permit. She stated the remainder would be phased over time. She stated for all of the parking lot islands the proposal was for only trees to be planted and not the under story shrubs. She noted in the employee parking lot the proposal was to delay

installation of the perimeter trees to a later date. She showed the southern detention pond where they would defer the landscaping until no later than 2012 with the rest phased in over the next 4 years. She showed the perspective views of the overall site at completion including the serenity garden that would be constructed initially.

Trustee Smith asked how this would be done because it would set a precedent for others to drop 40% of their landscaping and phase installation over 4 years. Ms. Ellis stated that within specific areas the deviation was no more than 25 which the Board had discretion to do on a case-by-case basis. Trustee Smith stated that the ordinance could be made to include a dollar figure so that everything was covered for future requests. He noted he did not have an issue with this request. Trustee Smith asked how the Village could be assured the landscape would be done if the phasing was allowed. Ms. Ellis stated it was within Board discretion on whether they would like a letter of credit to ensure work noting it would be checked before final occupancy was given for the hospital.

Trustee Butterfield asked what percentage would be done initially. Ms. Ellis stated a little more than 2/3 would be completed.

Temporary Chair Tuminello stated with the lowering of 25% the landscaping would still be above a lot of the standards and requirements.

Trustee Dye stated that due to this being in a Hospital District that might be an argument for the next request. Trustee Smith asked if the landscape ordinance was tied to the Hospital District or more with the building materials. Ms. Ellis stated there was nothing specific in the landscape ordinance that related to the Hospital District with phasing and reductions. Trustee Smith asked that this be tied in to the ordinance.

Trustee Dye agreed with the phasing concerns noting a guarantee needed to be provided.

Mr. Jeff Tryon, Vice President of Operations for Silver Cross, stated that budget numbers came in a lot higher than anticipated adding they wanted to keep their money for patient care items. He reported they would be willing to provide a guarantee or letter of credit to ensure the facility looked nice. He noted most of the deductions were in the "back of house" so they would not be visible from the front of the building. He added the serenity garden in the front was not being touched and there would still be a major feature at the front entrance.

Trustee Bowden stated the Board discussion was to protect future developers in the area. She stated the Board was confident that Silver Cross would do everything right.

Trustee Smith asked when they would begin the plantings. Mr. Tryon answered they should start about one year from now with the initial plantings. Trustee Smith stated the Board would have time to change the ordinance and then finalize the request.

Trustee Bowden asked if the ordinance needed to be changed. Ms. Ellis stated it would be tricky to amend because it was a zoning ordinance and would have to go through the public hearing process. She noted she did not know what the language would be. She suggested the Board handle this within the motion and explain the rationale. Mr. Spesia agreed with Ms.

Ellis. He stated the motion should include that a letter of credit needed to be provided. Trustee Smith wanted to make sure there would not be a future problem. Mr. Spesia stated it was never a certainty that someone would not come back and want to be treated the same. Trustee Smith added that if it was included in the ordinance the Board would be covered. Mr. Spesia stated this was a unique use with built in rationale. Trustee Smith stated when the mall came in on the north side they would be larger than 70-acres and might request the same thing. Trustee Butterfield added that if it was above and beyond from the start. Trustee Smith requested the verbiage "above and beyond a certain point" be included in the ordinance so the 25% variance could be explained. Ms. Ellis stated the 25% variance was already in the code and it was at Board discretion that it be used. She noted it had been used in other cases with good rationale. Trustee Smith stated there was different landscaping throughout town based upon different annexation agreements. He noted this would add another tier without it being in writing.

Trustee Dye stated the documentation could be in the form of the motion which was included in the minutes of the meeting.

Trustee Butterfield stated the only changes the Board did were for the hospital and suggested they just stick with that.

Motion to approve the revised landscape plan and phasing based upon the location being in a Hospital Zone with the surety in the form of a letter of credit because this was a unique use as well as the Board conversation being reflected in the minutes of the meeting because this was above and beyond even after deviation made by Trustee Smith and seconded by Trustee Butterfield. Upon voice vote, the motion carried with Trustee Madsen and Mayor Baldermann recorded as ABSENT.

Request for Modification of Site Plan & Waiver of Building Code – Silver Cross Utility Plant

Mr. Rendleman reported this request from Silver Cross was to modify the approved site plan for the hospital campus. He stated in October last year the overall site plan was approved including the central plant which housed all of the mechanical, HVAC and metering and maintenance equipment for the campus. He stated when the building was designed they proposed to change the architectural façade from the 5" thick precast panel which was going on the other buildings on campus to a greener product which was a 8" thick concrete sandwich panel. He noted this would incorporate the inner and outer panel as part of the finish of the interior which would be durable and more maintenance free. He added the appearance of the material would be the same as the rest of the buildings including texture and pattern. He stated the biggest difference was that it would not arrive painted and would be stained onsite. He reported there was a layer of insulation between the layers of concrete and was a little more durable.

Trustee Butterfield stated the committee saw this product being made. He noted it was thicker and had the insulation inside which was greener.

Trustee Smith stated he did not mind the product and did not have a problem with precast. He noted this was the same product that they put on big boxes along the highways which was discussed at length by the Board previously. He added he did not have an issue with how this was going to be used on this building but wanted the Board to know the discussions they had prior to this request regarding precast standards was so that this product would not be approved.

Trustee Butterfield stated this was would only be used on the utility building.

Temporary Chair Tuminello agreed that the Board had many discussions on use of this product. He stated that because it was the utility building he was inclined to approve the request but if it had been another portion there would have been more debate by the Board.

Trustee Smith stated the office building in the back should not be done of this material.

Motion to approve the request for modification of site plan and waiver of building code made by Trustee Butterfield and seconded by Trustee Dye. Upon voice vote, the motion carried with Trustee Madsen and Mayor Baldermann recorded as ABSENT.

CONSENT AGENDA

Motion to approve the Consent Agenda #09-11 consisting of 3 items as presented in packet made by Trustee Bowden and seconded by Trustee Dye.

Items up for approval at this time are as follows:

- A - Request for Temporary Signs – Old Campground Festival – New Lenox United Methodist Church
- B - Minutes of Regular Meeting of April 13, 2009
- C - Letter of Credit Reduction – Sanctuary Pointe

Upon roll call, the vote was:

| | | |
|-----------------|-----------------|---|
| AYES: | <u>5</u> | Trustees Dye, Bowden, Smith, Butterfield, and Temporary Chair Tuminello |
| NAYS: | <u>0</u> | |
| ABSTAIN: | <u>1</u> | Trustee Butterfield on Item B |
| ABSENT: | <u>2</u> | Trustee Madsen and Mayor Baldermann |

The motion carried.

ORDINANCES & RESOLUTIONS

Ordinance Annexing Certain Territory – 132 and 138 E. Francis Road – Kurtz Memorial Chapel – 1st Read

Ordinance Rezoning Territory – 104-106, 132 and 138 E. Francis Road and 1264-1266 N. Cedar Road – Kurtz Memorial Chapel – 1st Read

Ordinance Granting Special Use – Kurtz Memorial Chapel – 1st Read

Ordinance Granting Certain Variances – Kurtz Memorial Chapel – 1st Read

Ms. Ellis reported these four ordinances dealt with the proposed additions to Kurtz Memorial Chapel on the southeast corner of Cedar and Francis Roads. She stated part of the proposed changes was the relocation of the curb cut along Francis Road which would be moved further to the east away from the intersection as well as the demolition of the real estate office currently on Cedar Road. She noted this demolition would provide for the connection of the parking lots so there would be access to the funeral home from both Francis and Cedar Roads.

Ms. Ellis reported the first ordinance involved two parcels. She stated one was the former ambulance building site as well as an existing single-family home east of that. She noted the future redevelopment would use this site for the detention area and screening from the existing single-family home to the east of the eastern portion of the project. She stated the two parcels were contiguous to Village limits. Staff and Plan Commission recommended approval of the annexation request. She noted that due to this being combined with a number of other parcels and redeveloped under a special use permit an annexation agreement was not being proposed.

Ms. Ellis reported the two parcels to be annexed would be zoned R-1 and the request was to rezone to C-2. She stated the parcel to the southeast corner of the development was R-4 multi-family and the request was to rezone to C-2. She added the commercial parcel at the southwest portion of the project was currently C-3 and would be rezoned to C-2 to have the whole site consistent. She stated there were multiple land use recommendations in the Comprehensive Plan but because they were expanding on an existing commercial note at the corner staff felt all of the zoning requests were in substantial compliance.

Ms. Ellis reported there were a number of special uses. She stated the funeral home required the granting of a special use. She stated there were two existing residential units one above the funeral home and one above the ambulance garage which predated the current ordinance.

Ms. Ellis reported the staff reported included several site issues including the relocation of the curb cut on Francis Road and the construction of a detention pond on the eastern property line. She stated they were enlarging the funeral home to increase the functionality of the building. She reported Will County was not recommending any road improvements to Francis Road at this time other than the dedication of right-of-way. She stated the Village also required some dedication of right-of-way along Cedar Road.

Ms. Ellis reported there was an existing fence along the eastern property line and discussion would continue on whether this would remain or a new fence constructed. She stated that due to its existence near the existing residential home it needed to have a Type 1 buffer.

Ms. Ellis reported there was tree preservation on various portions of the site which would be added to the landscape unit counts. She showed the landscape that would be added.

Ms. Ellis reported at final read there would need to be a building code waiver which was included in the ordinance granting the special use. She explained that due to the existing building not complying with the masonry requirement the proposal was to use similar materials including stone for portions of the first floor with the rest being hardy board siding consistent with the existing building.

Ms. Ellis reported the proposal along the eastern property line was a gazebo by the detention pond. She added the screening would be adequate from the adjacent property to the east.

Ms. Ellis stated that at the Plan Commission public hearing comments were made regarding the sidewalk along Cedar Road noting the current sidewalk terminated south of the resale shop. She noted that due to the future widening of Cedar Road at the intersection staff did not feel it was necessary to construct the sidewalk now. She stated the Board would determine whether this would be the responsibility of this property owner or whether the sidewalk would be part of the improvements.

Ms. Ellis reported another change since the public hearing was the shut off timing for the lights due to the residential areas. She stated the Plan Commission discussed shut off at the perimeter of the parking lots to be 9 p.m. She noted the petitioner requested the time be allowed until 10 p.m. She added the parking lights were 15' tall and staff did not feel this would be detrimental to the adjacent properties.

Ms. Ellis reported that upon dedication of additional right-of-way at the intersection and along Francis Road a portion of the building would encroach into the required front yard building setback. She noted the proposed variance was a little over 5' at the closest point. She stated staff did not object due to the dedication of right-of-way.

Ms. Ellis reported there was a variance for the landscape buffer on the south perimeter. She stated it currently existed at 6' instead of 12'. Staff did not object due to their enhancement of the landscaping and parking lot.

Ms. Ellis reported a number (42%) of the parking stalls on the eastern portion of the lot would be 9 x 18 when the requirement was 180 square feet. She noted typically 180 square feet was important in shopping center for loading of parcels. Staff did not object to this request.

Ms. Ellis added that engineering and site design issues continued to be worked on by staff and would be resolved before second read.

Mr. Dick Kavanagh, Kurtz attorney, stated this was a complicated project because it included the annexation of two parcels and the request for rezoning of four parcels as well as three special uses and three variances.

Trustee Dye stated she did not have an issue with the rezoning. She stated she did not have a problem with the lighting timing noting that Ranch Frostie had lights on in the evening. She stated she did not want to add additional costs but asked if the sidewalk could be installed now due to the busy intersection. She suggested the sidewalk be done in accordance to the pending permanent changes. Mr. Kavanagh stated there was not a sidewalk on Francis east of Cedar or on Francis west of Cedar and thought the sidewalk would go nowhere. He stated Kurtz was giving the right-of-way. He pointed out there was a steep slope that would cut into the sign. Trustee Dye explained that patrons needed to have access to the side door and she was concerned with how they would do that safely.

Trustee Dye asked if the Fire District reviewed the revised truck study to ensure the trucks could access the area. Ms. Ellis reported she had not received their comments as yet. Trustee Dye stated this was a beautiful project in the growing community and the additional chapels would be welcome.

Trustee Bowden stated she had the same concerns as Trustee Dye regarding the sidewalk. She asked if it would be advantageous for the Village to have a pathway in the area so the sidewalk did not go to nowhere.

Mr. Killinger reported there had been discussions on the improvements to Cedar Road noting it would all be done with an existing right-of-way. He stated the difficulty with Cedar at the corner would be 50' half right-of-way for a total of 100' of right-of-way. He noted many lanes could be added but through town they might not be added. He stated he agreed with the petitioner that the sidewalk at this point would not connect anything.

Trustee Bowden asked if there would be a mechanism to hold funds for the future installation of the sidewalk if required. Trustee Smith stated this had been done in the past. Ms. Ellis stated a cost estimate could be requested and the funds escrowed with an agreement done as to the time period for the improvements. Mr. Kavanagh pointed out that Kurtz was not charging the Village for the right-of-way which was more expensive than the sidewalk.

Trustee Smith stated he was glad to see a business in town expand. He noted he was glad that the ingress/egress was being moved on Francis Road. He reported he did have an issue with the sidewalk going nowhere adding there were a lot of sidewalks in town that led nowhere but were installed because they led to somewhere sooner or later. He stated he believed the sidewalk should be installed due to them tying up Cedar Road. He reported the timeline for Cedar Road and Francis expansion was vast. He asked that the petitioner work with the engineer to determine how it could be installed at the most cost effective price and whether its installation was possible.

Trustee Smith asked when the Village would absorb Francis Road. Ms. Ellis and Mr. Killinger stated Francis Road would remain a County Road.

Temporary Chair Tuminello stated Kurtz Memorial Chapel had been a landmark in the Village for many years. He noted that requests were made at Town Hall meetings regarding more funeral parlor services.

Ordinance Granting Special Use Permit for Outdoor Patio – Bluestone Bar & Grill – 1st Read

Ms. Ellis reported the patio had not been used for over a year due to the past owner not applying for a special use permit. She stated the new management would like to start operation of the patio again this year.

Ms. Ellis reported the Plan Commission public hearing was held this month where a number of residents from the Bluestone Bay Townhome Association expressed their concerns about the patio. She stated they requested the Village not allow use of the patio due to the location of the patio and the lack of addition buffer for the sound. She noted suggestions were for a canopy to trap the sound which the new management found cost prohibitive.

Ms. Ellis reported that with the special use permit conditions could be placed upon the patio use. She noted the petitioner told the Plan Commission that there would be onsite staff and additional security to ensure the patio was vacated by 10 p.m. She stated the entry ways to the patio from the parking lot would have gates put up to limit access. She stated the petitioner indicated there would be no bar on the patio. She reported the ordinance in packet added language stating there would be no games, bean bag tournaments, and outdoor entertainment as well as the removed exterior speakers not to be reinstalled. She added the only noise from the patio should be from the patrons while eating and drinking with termination at 10 p.m. She stated that subject to the conditions the Plan Commission and staff recommended approval of the special use request.

Temporary Chair Tuminello referenced an email on the dais from one of the homeowners.

Trustee Bowden asked if there was a limited time for the dining room to be open for family dining. Mr. Gerald Sola, Bluestone Bar & Grill, stated that the kitchen was open until 10 p.m. and the dining area was usually vacated by 9 p.m. Trustee Bowden stated if the dining area closed at 9 p.m. she would like the Board to consider closing the patio area at 9 p.m. due to it being a dining area.

Trustee Bowden suggested umbrellas be added to the tables to help buffer the sound on the patio. Mr. Sola stated there would be an umbrella for each table on the patio. Trustee Bowden stated that she heard comments that things were better under the new management but noted that summer months were always a concern with the outside noises. She did not want the patio area used for the smoking area noting smokers should go off the premises. Mr. Sola stated currently smokers use the front or the side of the building. Trustee Bowden added that whatever could be done to control the sound would be appreciated. She noted the problem that always occurred with vehicles/motorcycles leaving the premises during the hours of operation. She stated whatever could be done to curb this problem should be done.

Mr. Sola stated he would do the best that he could. He added that he was in the process of interviewing for outdoor security. He stated he understood the residents' concerns noting he inherited this situation and was doing the best he could do to eliminate problems.

Trustee Bowden reported the Board took responsibility for allowing this use at this location and were trying to work with all parties to rectify the situation. She agreed with the residents that this was the wrong location for this business and wished it would close much earlier in general. She noted that curbing the patio use to 9 p.m. could be a way to temper what happens.

Trustee Smith asked how long the special use permit was for. Ms. Ellis stated the special use stayed with the land as long as they comply with the conditions. She added that due to the liquor license renewal process the Board and Liquor Commissioner would have an extra tool to use for violations or concerns. Trustee Smith stated he received calls regarding the improvement with the establishment. He agreed with the 9 p.m. closing of the patio noting that if all went well the Board might consider 10 p.m. next year.

Mr. Sola stated he would prefer 10 p.m. but would work with the 9 p.m. He added this was an awkward situation and he was trying to work with the Board and residents to make it work.

Trustee Butterfield stated if the business was successful then sound deadening equipment might be able to be added.

Trustee Dye stated she waited a long time to hear someone from Bluestone to talk about hiring outdoor security. She commended Mr. Sola for what he was trying to do to make the situation better.

Trustee Dye stated Mayor Baldermann asked her to convey his thoughts. He wanted Mr. Sola to know that as long as the area was closed off, had no smoking, and there was no outdoor entertainment he would not have a problem with that. She agreed.

Temporary Chair Tuminello asked if the Board consensus was to try the 9 p.m. closing and the Board agreed. He stated Mayor Baldermann wanted it known that once the patio closed it was not to be used as a smoking area during later hours. He commended Mr. Sola for meeting with the residents and hearing their needs and concerns.

Ordinance Authorizing Amendment to Annexation Agreement – Lincolnway Creekside Crossing – 1st Read

Ms. Ellis reported the Board held the public hearing two weeks ago as it related to the timing of the improvements to Anderson Road. She stated the formal form of the amendment and the authorizing ordinances were in packet and were consistent with Board direction to state that there would be no access including construction access from Anderson Road until the improvements are completed and accepted by the Village. She stated it required that a letter of credit be submitted prior to the issuance of the first building permit for the project and the road improvements would be completed either in conjunction with development on the first

lot or five years from the date of the issuance of the first building permit. She reported she sent a letter to all of the property owners within 250' at the Board's direction.

Temporary Chair Tuminello reported a resident questioned him about access on the residential street. Ms. Ellis reported this was a condition of the special use of the PUD that there be no access from Somerset Court and that was not a proposed change of the modification.

Trustee Smith asked if the fence would still be run in the back. Ms. Ellis stated it would. Trustee Butterfield asked about the fence. Trustee Smith stated the fence would be on the berm.

Mr. Steve Bobson, 939 Somerset Place, stated he was concerned about access during the construction phase and traffic using Somerset for parking of their construction workers. Trustee Smith stated the County would have to enforce a parking ban for construction traffic in that area and suggested they be contacted by the residents so this could be posted. He stated the Board could encourage the developer to keep the construction traffic on his site. Mr. Bobson asked if there was a start date because the site was currently in disarray. Trustee Smith stated the Code Enforcement Officer would check the area for safety concerns. Temporary Chair Tuminello asked that the developer be informed that the Board would not like construction traffic in the area.

Resolution #09-13 in Support of Comprehensive State Capital Infrastructure Program

Temporary Chair Tuminello reported it had been over 10 years since the State of Illinois put a Comprehensive State Capital Infrastructure Program together for infrastructure. He noted this resolution showed Village support in getting this program done so that there would be money for road improvements.

Motion to adopt Resolution #09-13 in support of Comprehensive State Capital Infrastructure Program made by Trustee Butterfield and seconded by Trustee Smith.

Upon roll call, the vote was:

| | | |
|-----------------|-----------------|---|
| AYES: | <u>5</u> | Trustee Bowden, Butterfield, Smith, Dye, and Temporary Chair Tuminello |
| NAYS: | <u>0</u> | |
| ABSTAIN: | <u>0</u> | |
| ABSENT: | <u>2</u> | Trustee Madsen and Mayor Baldermann |

The motion carried.

Resolution #09-14 Demanding Payment on Letter of Credit – Crystal Springs Unit #2

Mr. Killinger reported that the surety for this subdivision would come due May 9, 2009 and the Board did not meet again until May 11th. He stated in conversation with the developer he was told surety would be available. He asked the Board to approve the resolution in case it was necessary.

Motion to adopt Resolution #09-14 demanding payment on letter of credit for Crystal Springs Unit #2 made by Trustee Smith and seconded by Trustee Dye.

Upon roll call, the vote was:

| | | |
|-----------------|-----------------|---|
| AYES: | <u>5</u> | Trustee Butterfield, Smith, Bowden, Dye, and Temporary Chair Tuminello |
| NAYS: | <u>0</u> | |
| ABSTAIN: | <u>0</u> | |
| ABSENT: | <u>2</u> | Trustee Madsen and Mayor Baldermann |

The motion carried.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Temporary Chair Tuminello pointed out that the new committee assignments were on the dais. He stated he would give his final Land Use Committee report and Trustee Bowden would give her final Public Safety report.

Land Use Committee

Temporary Chair Tuminello reported the committee discussed low impact landscape ordinance amendments which would come before the Board in May. He stated a field trip was being discussed so the Board could see these conservation style developments.

Temporary Chair Tuminello reported the temporary mobile businesses were discussed. He stated the model home banners and the requirements/restrictions of local communities were also discussed.

Temporary Chair Tuminello reported an open lot inventory list was included in packet to keep the Board and other taxing bodies informed.

Public Safety Committee

Trustee Bowden reported the committee met earlier. She announced that the Loyalty Day Parade would be Sunday, May 3rd. She stated the parade would travel down Cedar Road to Haven Avenue to Veterans Parkway with prohibitive parking along those routes that day. She added the parade began at 2 o'clock.

Trustee Bowden reported the committee discussed the recent Communication Drill & Formal Tabletop Exercise done by Public Safety Division Chief Martin. She stated this was held with ESDA, Fire Department, LWCC, and the Police Department. She noted a mock tornado situation was done to work through all emergency situations and unify the command groups.

Trustee Bowden reported the ThorGuard sensor lightning warning system was discussed. She stated Chief Sterba would continue to work with the company to have this up and running prior to the first concert in the Commons.

PLAN COMMISSION CHAIRMAN

Mr. Mark Muehlnickel reported the Plan Commission held 5 public hearings during the month of April. He stated the request for annexation and rezoning for the Kurtz Memorial Chapel was discussed. He noted the Commission discussed the County analysis and how the traffic would not increase given the proposed addition. He stated the Commission discussed the shut off time of the lights. He stated public comment involved the fertilizer to be used near the detention pond and the height of the gazebo as well as maintenance of the pond. Plan Commission recommended approval. He reported on the public hearing on setback and landscaping issues and parking stall size at Kurtz. There were no public comments on this item and the Commission did not have any issues. Plan Commission recommended approval.

Mr. Muehlnickel reported the third public hearing involved the Bluestone Bar & Grill special use permit for a patio. He stated the comments from residents were the same as the ones highlighted in Ms. Ellis' report. Plan Commission recommended approval.

Mr. Muehlnickel reported the fourth public hearing on text amendments for landscape ordinances. There were no public comments on this item and the Commission had some issues on nuisance trees.

Mr. Muehlnickel reported there were two public hearings regarding the Creamery Restaurant on Nelson and Laraway Roads. He stated these were continued until May 5th due to signage not displayed on the property in the appropriate time. There were no public comments.

Mr. Muehlnickel reported the Commission recommended approval of the Farmers Market in the Village Hall south parking lot.

VILLAGE ATTORNEY – None

VILLAGE CLERK - None

POLICE CHIEF - None**FINANCE DIRECTOR****Approval of Audit Contract**

Ms. Auchstetter requested Board approval of the McGladrey & Pullen audit contract for April 30, 2009, in the amount of \$38,300 including \$5,000 paid by the Police Pension Fund and \$1,000 for the GASB 45 new regulation implementation. She reported the audit had to be performed every year due to State mandate. She noted McGladrey & Pullen had performed the audit for many years.

Motion to approve the audit contract with McGladrey & Pullen in the amount of \$38,500 including \$5,000 paid for by the Police Pension Fund made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

| | | |
|-----------------|-----------------|---|
| AYES: | <u>5</u> | Trustee Bowden, Butterfield, Smith, Dye, and Temporary Chair Tuminello |
| NAYS: | <u>0</u> | |
| ABSTAIN: | <u>0</u> | |
| ABSENT: | <u>2</u> | Trustee Madsen and Mayor Baldermann |

The motion carried.

PLANNING & DEVELOPMENT ADMINISTRATOR - None**BUILDING & ZONING ADMINISTRATOR** - None**ECONOMIC DEVELOPMENT DIRECTOR** - None**VILLAGE ENGINEER****Award of Contract – Bridge Inspection**

Mr. Killinger reported that due to a requirement from IDOT he was requesting Board approval to award a contract to inspect bridges in New Lenox and one of the requirements was to name a program manager. He stated two engineering firms were solicited for bids with Smith Engineering being the lowest in the amount of \$2,825.

Motion to award the contract for Bridge Manager for Bridge Inspection to Smith Engineering in the amount of \$2,825 made by Trustee Smith and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 5 Trustee Butterfield, Dye, Bowden, Smith, and
Temporary Chair Tuminello

NAYS: 0

ABSTAIN: 0

ABSENT: 2 Trustee Madsen and Mayor Baldermann

The motion carried.

Haven & Gougar Road Signalization

Mr. Killinger reported the project was moving along and they would be closing the east leg of Haven Avenue on May 18th until approximately July 1st. He stated signage would be posted. He noted the school transportation office had been contacted who did not have a problem with this.

PUBLIC WORKS SUPERINTENDENT - None

VILLAGE ADMINISTRATOR – Absent

PAYMENT OF BILLS

Motion to approve disbursements in the total of \$2,758,186.57 including monthly payroll in the amount of \$6,210 and bi-weekly payroll in the amount of \$292,526.14 both payable on April 9, 2009 and a bi-weekly payroll payable on April 24, 2009 in the amount of \$298,601.62 and disbursements \$352,478.90 including bi-weekly payroll payable on March 27, 2009 in the amount of \$293,507.59 made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 5 Trustee Dye, Bowden, Smith, Butterfield, and
Temporary Chair Tuminello

NAYS: 0

ABSTAIN: 0

ABSENT: 2 Trustee Madsen and Mayor Baldermann

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR - None

TRUSTEE COMMENTS**Trustee Dye**

Trustee Dye stated Mr. Loebe was also an important component in the Village receiving the CAFR award presented earlier to Ms. Auchstetter.

Trustee Dye reported she attended the Library Spring Arts Festival on Saturday, April 25th as did Mayor Baldermann. She stated the turn out was unbelievable which was a great testament to the community.

Trustee Dye reported that New Lenox residents could purchase concert tickets for \$35 through April 30th.

Trustee Tuminello

Trustee Tuminello expressed his condolences to the Loebe Family on their loss.

Trustee Butterfield - None

Trustee Bowden - None

Trustee Madsen - Absent

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 Smith and seconded by Trustee Bowden.

Upon roll call, the vote was:

AYE: **5** Trustees Butterfield, Dye, Bowden, Smith, and
Temporary Chair Tuminello

NAY: **0**

ABSTAIN: **0**

ABSENT: 2 Trustee Madsen and Mayor Baldermann

Motion carried. The meeting recessed at 8:30 p.m.

RECONVENE

All members of the corporate authorities previously in attendance before Executive Session were in attendance when the Board reconvened at 8:54 p.m. Ms. Englert was also in attendance.

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Bowden. Upon voice vote, the motion carried with Trustee Madsen and Mayor Baldermann recorded as ABSENT. The Regular Meeting of the Village of New Lenox Board of Trustees held on April 27, 2009 adjourned at 8:55 p.m.

Bonnie Motyka, Deputy Clerk