

**MEETING OF THE BOARD OF TRUSTEES REGULAR SESSION**  
**11004 Carpenter Street, Mokena, Illinois 60448**

Session #011

June 12 2017

**CALL TO ORDER**

Mayor Frank Fleischer called the Regular Session of the Board of Trustees to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The Board of Trustees and members of the audience recited the Pledge of Allegiance.

**ROLL CALL/ESTABLISHMENT OF QUORUM**

Clerk Hersted called the roll and the following Trustees were present:

Jim Richmond  
Debbie Engler  
George Metanias  
Joseph E. Budzyn  
John Mazzorana  
Joe Siwinski

Also present were: Village Clerk Jillian Hersted; Village Administrator John Tomasoski; Finance Director Barb Damron; Civil Engineer Dan Peloquin; Public Works Director Lou Tiberi; Police Chief Steve Vaccaro; Community/Economic Development Director Alan Zordan; Assistant Village Administrator Kirk Zoellner and Village Attorney Carl Buck.

**DISCOVER MOKENA**

N/A

**COMMUNITY CALENDAR**

Clerk Hersted presented the Community Calendar.

**PUBLIC COMMENT**

June Graffy provided information on Curtain Call Theater's upcoming production of Not Now Darling. Performances will be June 16-19<sup>th</sup> and June 23<sup>rd</sup>-25<sup>th</sup>. Tickets are \$15 and are available through the box office. Reservations can be made by calling 708-607-2281.

**CONSENT AGENDA**

Village Administrator John Tomasoski presented (8) items on the Consent Agenda for Board approval. These items are strictly administrative in nature.

- a. Motion to grant approval to Vincent DiFiore, on behalf of Mokena's Festa Italiana, to conduct the 4<sup>th</sup> annual Festa Italiana, Sunday, July 16, 2017 and to authorize the use of Municipal/Village resources for event set-up and coordination.
- b. Motion to grant approval to Troy Walker, on behalf of the Aaron Toppen Our Fallen Hero Foundation, to conduct the PFC Aaron Toppen Memorial Motorcycle Run Sunday, August 20, 2017, and to authorize the use of Municipal/Village resources for event coordination.
- c. Motion to accept the recommendations of the Site Plan and Architectural Review Committees, thereby approving the development plans as depicted on the attached exhibits for Gas N Wash for the property located on Lot 1 of the Gas N Wash LaGrange Subdivision contingent upon the approval of the final plat of subdivision.
- d. Motion to approve Ordinance No. 2017-O-016 as it pertains to the Illinois Department of Labor June 2017 Prevailing Rate of Wages and authorize the Village President and Village Clerk to execute the same.
- e. Motion to approve minutes from May 15, 2017 Work Session.
- f. Motion to approve minutes from the May 22, 2017 Board Meeting.
- g. Motion to approve minutes from the May 30, 2017 Work Session.
- h. Motion to approve minutes from the June 5, 2017 Work Session.

Trustee Mazzorana made a motion to approve Consent Agenda Items 7 (a), (b), (c), (d), (e), (f), (g) and (h) as depicted in the June 8, 2017 Request for Board Action prepared by the Village Administrator. Trustee Engler seconded.

AYES: (6) Richmond, Engler, Metanias, Budzyn, Mazzorana, Fleischer  
NAYS: (1) Siwinski  
Absent: (0)  
Motion carried

### **FINANCE REPORT**

Finance Director Damron presented the first accounts payable list for June totaling \$1,082,845.06. She highlighted the following invoices to be paid.

- \$68,921.92 Compass Minerals America – Road Salt – Final Purchase for FY 17
- \$78,444.12 D Construction Inc. – Paving of PW Garage and ESDA Lots
- \$32,183.40 Laraway Communications Center – Contractual 10% Startup Fee
- \$16,985.86 Village of Oak Lawn –2006 & 2011 Lake Water Bonds

Trustee Engler made a motion to approve the monthly accounts payable in the amount of \$1,082,845.06. Trustee Metanias seconded.

AYES: (6) Richmond, Engler, Metanias, Budzyn, Mazzorana, Siwinski  
NAYS: (0)  
Absent: (0)  
Motion carried

### **PRESENTATIONS/APPOINTMENTS/PROCLAMATIONS**

Clerk Hersted read a proclamation recognizing the Mokena Fire Protection District's 100<sup>th</sup> Anniversary.

Fire Chief Howard Stephens spoke about the great relationship between the Village of Mokena and the Fire District. A big part of their ISO rating is due to the Village's cooperation in working with the Fire District. He thanked the Board for the proclamation and encouraged everyone to attend the 4<sup>th</sup> of July parade and their 100<sup>th</sup> anniversary celebration activities.

Fire District Trustee Ken Blank thanked the Village for their support.

Mayor Fleischer expressed his appreciation to the Fire District for all they do for the Village.

### **PUBLIC HEARINGS**

#### **Gas N Wash, 19990 S. LaGrange Road**

Community/Economic Development Director Alan Zordan presented this case.

Trustee Mazzorana made a motion to open a public hearing to consider an amendment to the annexation agreement between the Village of Mokena and Lakeside Bank Trust #10-1246. Trustee Engler seconded.

AYES: (6) Richmond, Engler, Metanias, Budzyn, Mazzorana, Siwinski  
NAYS: (0)  
Absent: (0)  
Motion carried

Property owner, Peter Cacciatore, is requesting a subdivision and to amend the Annexation Agreement for the parcel located at 19990 LaGrange Road. In addition, Len McEnery has petitioned for a PUD for the property. The special use would allow a 24 hour convenience store and gas station, a Hog Wild full-service restaurant, a drive-through Dunkin Donuts and a car wash.

On March 21, 2016, the Village Board first reviewed this proposal. At that time, the proposal included an 8,000 square foot convenience store with two restaurants—a Dunkin' Donuts and a Hog Wild—along with two drive-through windows. The proposal also included several diesel fuel pumps for trucks in the rear of the building. The residents in attendance at the work session expressed concerns with the intensity of the proposal, including screening of the truck diesel pumps, the proposed 24 hours of

operation, and the two drive-through lanes. The Board asked Mr. McEnery to remove one of the two drive-through lanes and consider eliminating the diesel truck pumps at the rear of the building.

On May 16, 2016, the Village Board conceptually reviewed this request again. Mr. McEnery had removed the diesel truck pumps at the rear of the building and one of the drive-through lanes. The fuel station convenience store had also been reduced from 8,000 square feet to 7,000 square feet. The proposal now additionally included a request for a Class D liquor license for the Hog Wild restaurant. The Village Board found this plan generally acceptable and directed it on to the Planning Commission.

On July 21, 2016, the Planning Commission conducted a formal public hearing. After a thorough discussion, the Planning Commission unanimously recommended approving the proposed subdivision and SUP

Community/Economic Development Director Zordan reviewed access to the property, the landscape plan, the plat of subdivision and the architecture.

Off-site improvements include cross access drives connecting to the CVS parking area. In addition, IDOT is scheduled to approve a traffic signal for this property along with various other off-site improvements which include lengthening the turn lanes on LaGrange Road and extending the 10' wide bike path off-site to Francis Road.

Mr. McEnery has agreed to limit the hours of the carwash and the drive-through window, to no later than 10:00 pm.

Community/Economic Development Director Zordan reviewed the various licenses for the store which include a Class "D" liquor license for the Hog Wild restaurant and a package liquor license and tobacco license. Mr. McEnery is also applying for Video Gaming Terminal licenses which are also regulated by the Illinois State Gaming Board.

Highlights of the special use ordinance include

- Owner shall construct said gas station, carwash, and drive through area in substantial conformance as shown on Exhibit "A".
- Owner shall construct a twelve (12) foot solid sound wall adjacent to the most western parking lot as shown on Exhibit "A" and must be kept in good order prior to the Village granting occupancy approval for the first building.
- Owner shall install landscaping as depicted on the attached Exhibit "B".
- Owner shall be allowed to operate two restaurants within the gas station.
- Owner shall be allowed to operate the gas station and convenience store 24 hours a day.
- Owner agrees to turn off the carwash operation from 10:00 pm each night to 6:00 am every day.
- Owner agrees to construct at his sole cost the cross access driveways onto the property north of the site known as Rose Plaza prior to the Village granting the first occupancy approval for this project.
- Owner shall install traffic control signals at the access drive on LaGrange Road in accordance with plans approved and permitted by IDOT. Said traffic control signals shall be fully functional prior to the issuance of an Occupancy Certificate by the Village for the first use on the property.
- Village agrees to assign to Owner the right to enforce the terms and conditions of the July 15, 1998 LaPorte Road Settlement Agreement.
- The Village agrees to issue a Class "C2" packaged liquor license for the gas station after a liquor license application has been approved.
- The Village agrees to issue a Class "D" liquor license for the restaurant after a liquor license application has been approved.
- The Village agrees to allow the use of video gaming terminals in accordance with State Statutes and as permitted by the Illinois Gaming Board.

The amendment to the annexation agreement will allow a gas station and car wash as a Special Use Permit.

Resident. Mary Ortiz questioned the aquatic vegetation bottom on the detention area.

Community/Economic Development Director Zordan stated that this was a requirement of the Will County Forest Preserve.

Mrs. Ortiz requested confirmation that the Village would not be providing financial assistance with regard to the traffic signal.

Village Administrator John Tomasoski confirmed that the Village has assigned the rights of the 1998 LaPorte Road settlement agreement to the business owner. No taxpayer money is involved.

Resident Jim Schlegel is not in favor of this business and discussed the rights given by the Constitution.

Mayor Fleischer stated the Board takes an oath to uphold the rights of the constitution and asked Mr. Schlegel what his concerns were with the development.

Mr. Schlegel stated the plans do not fit in with the comprehensive plan. He spoke about zoning laws and that approving this special use would be wrong.

Trustee Mazzorana made a motion to close the public hearing. Trustee Engler seconded.

AYES: (6) Richmond, Engler, Metanias, Budzyn, Mazzorana, Siwinski

NAYS: (0)

Absent: (0)

Motion carried

Trustee Fleischer asked for final comments from the Board prior to taking a vote.

Trustee Siwinski stated that although the Gas N Wash on 191<sup>st</sup> Street is a great business, he doesn't feel this location is appropriate for another Gas N Wash. He thanked the Board and Mr. McEnery for working together to address residents' concerns but stated he would not be supporting this project.

Trustee Engler made a motion to adopt Ordinance No. 2017-O-017 authorizing the execution of an amendment to annexation agreement between the Village of Mokena and Lakeside Bank Trust #10-1246, and authorize the Village President and Village Clerk to execute same. Trustee Metanias seconded.

AYES: (5) Richmond, Engler, Metanias, Budzyn, Mazzorana,

NAYS: (1) Siwinski

Absent: (0)

Motion carried

Trustee Engler made a motion to adopt Ordinance No. 2017-O-018 approving a special use permit for a planned unit development for certain territory described therein, for Len McEnery, contract purchaser, contingent upon execution of the final plat of subdivision. Trustee Metanias seconded.

AYES: (5) Richmond, Engler, Metanias, Budzyn, Mazzorana,

NAYS: (1) Siwinski

Absent: (0)

Motion carried

Trustee Engler made a motion to approve a final plat of subdivision for Gas N Wash LaGrange Subdivision contingent upon approval of final engineering, submittal of letters of credit and payment of all related fees, and authorize the Village President and Village Clerk to execute same. Trustee Metanias seconded.

AYES: (5) Richmond, Engler, Metanias, Budzyn, Mazzorana,

NAYS: (1) Siwinski

Absent: (0)

Motion carried

Mayor Fleischer thanked Mr. McEnery for working with the Board on this project.

**OLD BUSINESS**

N/A

**NEW BUSINESS**

N/A

**VILLAGE ADMINISTRATORS COMMENTS**

Administrator Tomasoski requested Economic Development Director Alan Zordan to update the Board on development and business activities. Mr. Zordan provided an update on pending development projects, announced new businesses and highlighted businesses offering gifts for Fathers Day.

Trustee Mazzorana asked Mr. Schlegel if he was agreeable to an upcoming beer garden proposal on Front Street.

Mr. Schlegel relayed an experience he had with a brewery while traveling and that he has no problem with a brewery on Front Street.

Assistant Village Administrator Kirk Zoellner encouraged residents to water newly planted parkway trees during the heat wave and provided guidelines on watering.

Village Administrator John Tomasoski provided information on a free Veterans picnic being offered by Representative Deluca.

Village Administrator Tomasoski stated the Village Hall and The Oaks Recreation Center are designated cooling centers for those in need of relief from the heat. If needed, residents can call the non-emergency police number after regular business hours.

**TRUSTEE'S COMMENTS**

Trustee Siwinski congratulated the Fire District on their anniversary. He stated they work hard and are an asset to the community.

Trustee Budzyn stated the Wolf Road tracks are now open and extended his congratulations to the Fire District.

Trustee Mazzorana echoed Trustees Siwinski and Budzyn with regard to the Fire District. He also commended public works staff on the appearance of Pioneer Cemetery. He asked Public Works Director Lou Tiberi how often the flowers are watered. Mr. Tiberi stated the flowers are watered every day unless it rains.

Trustee Metanias echoed the previous comments and wished everyone a Happy Summer.

Trustee Engler echoed the previous comments with regard to the Fire District. She stated that the Fire District also offers other family friendly activities. Trustee Engler reminded everyone that the deadline for scholarship submittal is Friday. She also wished everyone a Happy Father's Day.

Trustee Richmond offered his congratulations to the Fire District.

**CLERK'S COMMENTS**

Clerk Hersted congratulated and thanked the Fire District.

**MAYOR'S COMMENTS**

Mayor Fleischer commented on a letter he received from Mary Cernauskas thanking the staff for their help on her building remodel.

Mayor Fleischer requested that information on how to donate for the cannon restoration be put on cable. He also thanked Mr. Hogan for the wonderful job he does with the Memorial Day ceremony.

**ADJOURNMENT**

Trustee Mazzorana made a motion to adjourn the Regular Session at 7:50 p.m. Trustee Siwinski seconded.

AYES: (6) Richmond, Engler, Metanias, Budzyn, Mazzorana, Siwinski  
NAYS: (0)  
Absent: (0)  
Motion carried

Respectfully submitted,

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Frank A. Fleischer, Mayor

ATTEST:

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Jillian Hersted, Village Clerk