

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

Session #001

January 13, 2020

CALL TO ORDER

Mayor Fleischer called the Regular Session of the Board of Trustees to order at 7:02 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 Martini called the roll and the following Trustees were present:

Joseph E. Budzyn
Debbie Engler
Jillian Hersted
George Metanias
Jim Richmond
Joe Siwinski

Also present were: Clerk Melissa Martini; Village Administrator John Tomasoski; Finance Director Barb Damron; Assistant Village Administrator Kirk Zoellner; Commander Randall Stumpf; Public Works Director Lou Tiberi; Civil Engineer Dan Peloquin; Community/Economic Development Director Alan Zordan; Building and Planning Director Matt Ziska and Village Attorney Carl Buck.

DISCOVER MOKENA

N/A

COMMUNITY CALENDAR

Clerk Martini presented the Community Calendar.

PUBLIC COMMENT

Jim Schlegel spoke about the Special Use Permit for Zap! Taco on the work session agenda and hoped that audience members would be given an opportunity to speak on that topic. He also spoke about a recent trip he took to Jerusalem.

CONSENT AGENDA

Village Administrator John Tomasoski presented eight (8) items on the Consent Agenda for Board approval. He requested that item 6d be tabled. These items are strictly administrative in nature.

- a Motion to accept the recommendation of the Site Plan and Architectural Review Committee, thereby approving the site, landscape and lighting plans and building elevations, as depicted on the attached exhibits, for the property located at 19118 S. 104th Avenue.
- b. Motion to reduce Letter of Credit Number TFTS-922266, issued by JP Morgan Chase Bank, for public improvements in the Whisper Creek Subdivision North of the Bridge by a total amount of \$180,765.00 to a total remaining balance of \$0.00 and to release the Letter of Credit in its entirety.

Motion to reduce Letter of Credit Number TFTS-922268, issued by JP Morgan Chase Bank, for public improvements in the Whisper Creek Subdivision North of the Bridge, by a total amount of \$362,962.00 to a total remaining balance of \$0.00 and release the Letter of Credit in its entirety.

Motion to adopt Resolution No. 2020-R-001, a resolution pertaining to the acceptance of site public improvements associated with the Whisper Creek Subdivision North project and to authorize the Village President and the Village Clerk to execute the same.

- c. Motion to reduce Letter of Credit No. 147, issued by LincolnWay Community Bank, for public improvements in the Ginger Creek Subdivision, by a total amount of \$143,140.00 to a total remaining balance of \$0.00 and to release the Letter of Credit in its entirety.

Motion to reduce Letter of Credit No. 148, issued by LincolnWay Community Bank, for public improvements in the Ginger Creek Subdivision by a total amount of \$218,436.00 to a total remaining balance of \$48,864.00.

- d. Tabled
- e. Motion to approve the Dedication Agreement between the Village of Mokena and Rich and Colleen Lenart for the dedication of certain land for public use at 11808 South Brightway, Mokena, IL.
- f. Motion to grant approval to the Misericordia Heart of Mercy Center to conduct its annual Candy Days fundraising campaign at local businesses within the Village of Mokena on Friday, April 24 and Saturday, April 25, 2020 and to waive all permit and registration fees.
- g. Motion to approve minutes from the December 9, 2019 Board Meeting and Work Session.
- h. Motion to approve minutes from the December 16, 2019 Work Session.

Trustee Engler made a motion to table Consent Agenda Item 6d and approve items 6 (a), (b), (c), (e), (f), (g) and (h) as depicted in the January 9, 2020 Request for Board Action prepared by the Village Administrator. Trustee Siwinski seconded.

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

NAYS: (0)

Absent: (0)

Motion carried

FINANCE REPORT

Finance Director Barb Damron presented the accounts payable list for January totaling \$1,079,233.27. She highlighted the following invoices to be paid.

- \$ 47,040.06 Austin Tyler Construction Co. – FY 20 Street Maintenance Program
- \$124,750.00 Bank of New York Mellon – Principal & Interest on Downtown Bonds

Trustee Engler made a motion to approve the monthly accounts payable in the amount of \$1,079,233.27. Trustee Metanias seconded.

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

NAYS: (0)

Absent: (0)

Motion carried

PRESENTATIONS/APPOINTMENTS/PROCLAMATIONS

Introduction of Police Officer Courtney Sepolio

Commander Randall Stumpf introduced the Police Department's newest patrol officer. Ms. Sepolio is a graduate of Lewis University with a degree in Criminal Justice.

Courtney Sepolio passed a background investigation and was issued a Certificate of Appointment with an effective date of September 9, 2019.

Officer Sepolio recently fulfilled the requirements of the Illinois Law Enforcement Training and Standards Board by completing its 540-hour Basic Police Training Academy. She graduated from the Suburban Law Enforcement Academy at the College of DuPage in Glen Ellyn on December 20, 2019. She is currently in field training and is expected to be released as a solo patrol officer as early as March, 2020.

Ms. Sepolio thanked the Board for this opportunity and looks forward to a long career with the Village of Mokena.

Mayor Fleischer welcomed Ms. Sepolio and stated that the Village supports their police officers.

PUBLIC HEARINGS

N/A

PRE-SCHEDULED PROPOSALS/PRESENTATIONS AND VISITORS

OLD BUSINESS

Import Exchange

Community/Economic Development Director Alan Zordan presented a request for a Special Use Permit in order to operate a motor vehicle sales facility for the property located at 19118 S. 104th Avenue. Motor vehicle sales require a Special Use Permit in the I-1, light Industrial zoning district.

The property is located at the southwest corner of 191st Street and 104th Avenue. Community/Economic Director Zordan reviewed the zoning of the property.

In 2019, the petitioner purchased the Super Wash property and is requesting a Special Use Permit to relocate his motor vehicle sales business from 9750 W. 191st Street.

He is also proposing to repurpose the building by enclosing it, and using it for a sales office, detail and service repair bays.

He is proposing to only detail and service vehicles associated with the business.

The site and building complies with all bulk requirements set forth in the I-1, Light Industrial zoning classification. The two driveways off 104th Avenue will remain. Detention is located west of the site, additional detention is not required. Currently there is no refuse enclosure on the site. A refuse enclosure is required and is shown on the site plan.

The landscape plan shows a variety of trees, shrubs, and planters in front of the building.

The proposed façade improvements include:

- Constructing a gable roof
- Adding glass windows and overhead doors on the front elevation, and metal overhead doors on the south elevation.
- Any damaged areas of the existing exterior brick will be replaced with matching brick located on-site.
- This will ensure that any new brick work matches the existing building.
- The existing brick will be cleaned, and the existing mansard roof and non-conforming wall mounted light fixtures will be removed.

On October 21, 2019, the Village Board conceptually reviewed this request. The Board generally supported the Special Use and directed staff to forward the proposal to the Planning Commission for a public hearing.

On November 21, 2019, the Planning Commission reviewed this request. After a thorough discussion, the Planning Commission recommended that the Village Board approve the Special Use Permit.

On December 9, 2019, the Village Board reviewed the terms of the draft Special Use ordinance. The Board provided additional input regarding the proposal and directed staff to prepare the final documents for approval.

Terms and conditions of the Special Use Ordinance include:

- Owner shall only repair its own motor vehicles on the subject site.
- Owner agrees that at no time shall a motor vehicle be displayed within the public right-of-way along 191st Street or 104th Avenue.
- Owner agrees to install a 42" black split rail fence along the parking lot adjacent to the sidewalk.
- Owner agrees to replace the mismatched brick on the north elevation with brick that matches the building.
- Village agrees to waive all perimeter and right-of-way landscaping along 191st Street.
- Owner agrees to power wash the existing masonry on the building.
- Site will be developed in accordance with the site plan attached as Exhibit "A".
- Owner agrees to modify the building façade as shown on Exhibit "B".

- Owner agrees to install landscaping as depicted on the landscape plan attached as Exhibit “C” by June 1, 2020.

Trustee Engler made a motion to adopt Ordinance No. 2020-O-001 approving a Special Use Permit for a motor vehicle sales facility for the property located at 19118 S. 104th Ave. and authorize the Village President and Village Clerk to execute the same. Trustee Metanias seconded.

Trustee Siwinski stated that this is a great repurposing of an existing building that’s been underutilized. He feels it is a win-win situation.

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

NAYS: (0)

Absent: (0)

Motion carried

Firestone Complete Auto Care

Community/Economic Development Director Alan Zordan presented a request for a Special Use Permit for a Firestone Complete Auto Care facility located at 11265 – 85 Lincoln Highway.

On April 15 and June 17, 2019, the Village Board conceptually reviewed this request. The consensus of the Board was that a motor vehicle service repair facility was not appropriate for this location.

On October 17, 2019, the Planning Commission conducted a public hearing after which they passed a motion recommending that the Board not grant the requested Special Use Permit.

On December 9, 2019, the Board reviewed the Planning Commission’s recommendation and concurred with it. Staff was directed to prepare a motion for formal action

Trustee Engler made a motion to accept and adopt the Findings of Fact of the Planning Commission from November 21, 2019 and deny the request for Special Use Permit to operate a motor vehicle service repair facility at 11265-11285 W. Lincoln Hwy, Outlot E in Mokena Marketplace. Trustee Siwinski seconded

Trustee Budzyn stated that during the Plan Commission meeting, Chairman Doug Heathcock questioned whether the neighboring homeowners concerns were applicable when applying standards of the Special Use Permit. Trustee Budzyn inquired if those standards are applicable. He stated that the Planning Chairman voted nay.

He requested clarification on what exactly they are voting on today. At the last meeting, Firestone representatives had commented that the findings of fact were improperly reached.

Village Attorney Carl Buck explained that the Board would be voting on the Findings of Fact made by the Plan Commission. The Board has the option of accepting or rejecting the Plan Commission’s findings of fact.

Trustee Budzyn inquired what the Plan Commission can use when determining the Findings of Fact. He asked if neighbors concerns should be considered and do their concerns have to be raised at the meeting? Trustee Budzyn stated that Firestone representatives claim the findings of fact are not supported by the information presented at the meeting.

Village Attorney Buck stated the Board was not at the Plan Commission meeting and the Plan Commission determined there was enough evidence to support their findings.

Trustee Metanias asked if Trustee Budzyn was questioning if the Planning Commission is qualified to make this decision.

Trustee Budzyn stated he’s not sure what is being approved by adopting the Findings of Fact. He referenced Chairman Heathcock’s statement regarding the standards being

applied for the findings. He stated that he wants to make sure he understands what he's voting on before he votes.

AYES: (4) Engler, Hersted, Metanias, Siwinski

NAYS: (2) Budzyn, Richmond

Absent: (0)

Motion carried

NEW BUSINESS

N/A

VILLAGE ADMINISTRATOR'S COMMENTS

Village Administrator Tomaszoski requested that Community/Economic Development Director Alan Zordan update the Board on development and business activities. Mr. Zordan provided an update on pending development projects, new businesses and highlighted gyms and health club businesses.

Assistant Village Administrator Kirk Zoellner reminded everyone that the 2020 census is coming up. He spoke about the importance of being counted.

Village Administrator John Tomaszoski wished former employee Judy Kosola well in her retirement.

TRUSTEE'S COMMENTS

Trustee Budzyn stated that a tree branch is hanging on the cable between Kluth and Woodland and requested that Village staff have it removed. He wished everyone a Happy New Year. He expressed his condolences to Fire Chief Howard Stephens on the passing of his mother.

Trustee Metanias wished Trustee Richmond's father a Happy 90th Birthday.

Trustee Engler wished Judy Kosola well in her retirement. She expressed her condolences to Howard Stephens and wished Trustee Richmond's father Happy Birthday.

Trustee Richmond wished his father a Happy Birthday. He thanked everyone that attended his party.

CLERK'S COMMENTS

N/A

MAYOR'S COMMENTS

Mayor Fleischer stated that the new president of the Illinois Municipal League has appointed him to the Public Works and Transportation Policy Committee for the next year.

EXECUTIVE SESSION

Trustee Siwinski made a motion at 7:30 p.m. to enter into Executive Session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity pursuant to 5 ILCS 120/2 (c) (1) and discuss 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 probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting pursuant to 5 ILCS 120/2 (c) (11). Trustee Engler seconded

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

NAYS: (0)

Absent: (0)

Motion carried

RECONVENE BOARD MEETING

Trustee Siwinski made a motion to reconvene the regular session at 8:00 p.m. Trustee Engler seconded.

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

ADJOURNMENT

Trustee Siwinski made a motion to adjourn the Regular Session at 8:01 p.m. Trustee Engler seconded.

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

Respectfully submitted,

Frank A. Fleischer, Village President

ATTEST:

Melissa Martini, Village Clerk