

VILLAGE BOARD
Committee of the Whole Meeting

August 20, 2018 – 6:30 PM
Lemont Village Hall – Village Board Room
418 Main St., Lemont, IL 60439

I. **Call to Order**

Mayor Egofske called the COW Meeting to order at 6:30 p.m.

II. **Roll Call**

Present were Trustees, Maher, McClafferty, Stapleton and Sniegowski. Absent, Blatzer and Kwasneski. Trustee Blatzer arrived at 6:37 p.m. Also present were George Schafer, Jason Berry, Linda Molitor, Ralph Pukula and Village Attorney Andrew Paine. Chris Smith arrived at 8:30 p.m.

Mayor Egofske said that if anyone was here for the discussion of 4th Street, that will not be discussed at the meeting this evening. We had just received the traffic study and it needs to review it and it also has to go to our Traffic Safety Committee to evaluate. This item will either be on our September Committee of the Whole agenda, or, a special meeting could be called. Either way, it will be posted at least 48 hours prior to the meeting date and time.

III. **Discussion Items**

A. **13000 Main St./ Art Logistics Neighbor Complaint**

Jason Berry, Economic and Community Development Director, stated that the homeowner at 13000 Main Street, lives across from Art Logistics, and has contacted the Village about excessive noise, truck traffic and lighting issues from their property. Jason and the Village Attorney looked at the permit file from Art Logistics' 2012 site plan, and they were sent notice on Friday that they are violating the site plan. The homeowner spoke about the noise from Art Logistics, that trucks are parked all the way out to main street, and they run all night, and that his windows rattle. He stated they are over their capacity. From their maintenance building, he can hear noise coming from there all night long. The homeowner stated that the noise is so loud, that he is unable to sleep at night. He has talked to Art Logistics about this, and they tell him that they will change things, but they have not done anything to improve these issues. The resident said they are violating the hours of operation, and this is all going on 24/7.

Mr. Berry said the site plan shows 63 parking stalls in the front which includes the maintenance building. It was asked who polices the parking, and Jason responded that he is hoping that Art Logistics does. They are working with our Village Engineer and Morris Engineer, and they recognize the need for more parking at the back of the lot. It was asked if the Village has a noise ordinance, and we do not, but there are performance and lighting standards. Mr. Berry stated that the initial site plan met the ordinance when it was passed.

Mayor Egofske stated that we need to work with them and the Village will reach out and see what can be worked out. The Village is currently working on diverting the truck traffic.

B. **5th Street Variation Request**

George Schafer, Village Administrator, stated that Bill Brennan, owner at 580 5th Street, is looking for a variation from the UDO to build two homes on private wells along with other variations on the lot size. Discussion previously took place with the Village Board in March of 2016, and was put on hold due to several factors. One of which is that the road was a private road, and there has been debate as to the ability of the developer to subdivide and access the property due to this being a

private road. The issue of the road has since been determined through the court system. The property owner would now like to move forward.

Discussion took place as to whether they could get an easement and if the other property owners were agreeable to getting water there. More discussion needs to take place with these other property owners.

It was asked, if an easement comes through, would the homeowners have to hook up. Mr. Schafer responded that they could hook up to that water supply. Mr. Schafer asked the Village Attorney, Andrew Paine, if he thought that the variation requests would have to go through PZC. Mr. Paine said it would be recommended that it probably was good to do it this way with new members on each board.

Mr. Brennan stated that he had gone through all of this previously with PZC and the Board, and it would be recommended subject to him having access to the road and it cost him money to bring that issue to court. He would like the board to give this serious consideration, and that he is meeting all of the requirements. He was told if the private road issue was cleared, the other items could be addressed. It was calculated that it would cost him \$70,000 to run the water line to the property and would have to do a recapture agreement from the two properties. Mr. Brennan is not amenable to paying for the utilities up front. Mr. Brennan does not want to have to go back to the PZC and then it comes to the board, they are not in agreement.

The Board was asked for their opinion on the water issue. Trustee Stapleton stated that he does not like to see the road with no fire hydrants. Trustee McClafferty said he would like to see the easements be granted. Trustee Blatzer said that when the water is provided, they would have to hook up and obtain the easement, and pay their fair share of it. Trustee Sniegowski agreed with Trustee Blatzer. Trustee Maher said we should get water in there, and he has a right for one house, one well.

The Village would prefer water service on the street but does not have the funding for the project currently. It was asked if there is another route other than going through Mr. Hoffman's property. Public Work Director, Ralph Pukula, said the proposed route is likely the only one to ensure water quality. Three Trustees are willing to go forward and think Mr. Brennan should go through PZC with his project.

C. Downtown Property Incentive Request

Jason Berry stated that he was approached last week about incentives in downtown Lemont at 103 Stephen Street. There is interest from another restaurant owner, and that property is not in the existing TIF district. Right now, the property has a residential unit on the second floor, and they are looking at an incentive, which requires a resolution from the Cook County Board. The potential buyers own an existing establishment, Deja Brew, in Oak Lawn for the past 10 years. They are looking to bring into Lemont what they say they mastered in Oak Lawn; that they have a great restaurant and a great relationship with the community. They want to look into opening up the whole upstairs for seating on the rooftop with a banquet room so it could still be half enclosed. They would work with whatever needed to be done to make sure the support structure is there and it is safe to do this. They are working with architects right now on what could be done with the basement area. The potential purchaser's attorney, stated that, with the challenges businesses bring, Lemont is the most business-friendly and progressive municipality he has worked with. When the time is appropriate, the potential purchasers would ask the board for their support of the incentive process from the Cook County Assessor's office, and without an incentive, they don't think this project could happen. There is a two-year lease on the upstairs apartment which they would honor. They asked if we currently allow gaming machines, and we would in this existing establishment.

D. Eliza Lane Driveway Variation

The Village previously worked with the contractor hired at 13610 Eliza Lane to make sure the driveway met Village code. The contractor, however, showed the homeowner something other than the approved plan for a 29-foot driveway instead of the approved 22-foot driveway. The plan shown to the homeowner was not the same one that was approved. The Village will need to pursue the contractor for cost of the fees that the homeowners paid for the PZC.

E. Russo Salt Supply Special Use (American Canal Barge Lines)

Jason Berry stated that Russo Salt Supply would like to put a de-icing salt storage in the area located at 16500 Des Plaines River Road. The applicants attended the July 18 PZC Meeting for the Public Hearing for the special use. Staff is recommending approval based on conditions placed by the PZC.

Trustee McClafferty said that the roads are a concern and are in rough shape, and asked if it was possible for the business owners there to get together and do something about that. The tenants are responsible for the maintenance of the road. The question was asked if there is an increase in truck traffic on the road during certain months? The applicant responded that truck traffic is from May through August and November through March is on a fairly steady basis of about 362 trucks/month. There is barging coming in and being trucked out. The owners will need to discuss the road improvements further.

It was asked if there is a limit on the amount of salt they can have? The applicant responded that historically, not everything they bring in is stockpiled there. They are still waiting for what is being required and what is expected of them, and are agreeable as to how much salt they are allowed to put out for storage.

For board approval, the road needs to be addressed. Trustee Sniegowski asked how many loads and how many trucks are going to be there. Lemont has regulations on how big a pile could be. The Mayor asked if the business owners that were present were open to repaving that road and taking on their fair share. The business will need to discuss the road issues.

F. Illinois Marine Towing (IMT) Dockside Crew Quarters Special Use

Jason Berry stated that Illinois Marine Towing, Inc., is seeking a special use to allow for dockside crew sleeping quarters for about twelve people. The location is at 16700 Des Plaines River Road and is owned by MWRD. The applicant has obtained approval from MWRD to allow this. The Village Board had no issues with this special use and it will be up for Board approval at a future Village Board Meeting.

G. Willow Pointe Final PUD

Jason Berry, Economic and Community Development Director, said that the Willow Pointe subdivision preliminary plat/plan was approved on April 23, 2018. The plan is in compliance with the preliminary approved PUD. Village Engineer, Jim Cainkar, wanted to confirm the Board is aware of the deviation from the code that the applicant has relief from requirements to construct a sidewalk along 131st Street. In addition, they are seeking variance for 5" deep driveways instead of the 6" requirement. They want to make concrete a standard for the driveway with a poly fiber mesh. He stated that they never do a 6" depth.

Trustee Maher brought up the fact that we have a rule for the driveways to be 6", and asked do we abide by the rule, or do we change it? Mr. Berry said that the driveway depth is on the list to discuss.

Trustee Blatzer asked about parking in the cul-de-sac in regards to when there is one inch or more of snow, and is there no parking on the island in this case? Mr. Pukula said that was correct, there is no parking. In the case of excessive snowfall, snow would be moved off the cul-de-sac and not around it. The developer said that they would have it removed if there was a lot of snow.

The Village Board was okay with the 5" deep driveway with the added fiber, and that they need to make sure that portion going through the drive is the right thickness of the sidewalk area.

H. Home Rule Utilization Discussion

The resolution was approved to place the referendum on the November ballot at the August 13 Village Board Meeting. The referendum needs to be submitted by August 31. The discussion needs to take place about what the board is able to do, and what do we want to include that we will not do with a resolution. The Mayor stated that we are doing this for the roads and infrastructure, and the board is not up for raising real estate taxes. The Village will be providing more detailed information on the intent of the home rule referendum.

I. Briarcliffe Estates Sound Wall Discussion

Mayor Egofski and George Schafer met with Senator Curran and Representative Durkin. Previously, the residents in the Briarcliffe subdivision have been pursuing getting the Tollway to put up a sound wall. Currently, the Tollway agreed to do an IGA with the Village to pay for 100 percent of the wall, but the Village would then be responsible for the maintenance of the wall. The wall has to be on private or Village property. The Board had several questions about maintaining the wall, some of which included:

- a. How would we pay for maintaining the wall?
- b. What would the cost for maintaining the wall be?
- c. Are all homeowners along the wall in agreement with a wall being put up?
- d. Will their HOA pay for any part of the maintenance of the wall?
- e. What is the responsibility of the homeowners?
- f. What happens when the wall becomes unrepairable; is the Village required then to replace it?
- g. What are the demands on us from the Tollway for the wall?
- h. Will there be permanent access to maintain both sides of the wall?

More information will need to be obtained regarding the maintenance of the wall.

J. Intergovernmental Agreement with DuPage County Pertaining to Storm Water Management Discussion

Public Works Director, Ralph Pukula, said he would like to obtain approval to enter an IGA with the County of DuPage for implementation and enforcement of a storm water management program designed to reduce the discharge of pollutants from small municipal storm sewer systems. This will allow the Village to comply with these specific requirements of NPDES. The board had no issues with the proposed IGA with the County of DuPage. The Board had no issues with this, and the item will be up for approval at a future Village Board Meeting.

K. Cell Tower Leases

The Village currently has two cell tower leases on our water tower on Houston; Sprint and T-Mobile. T-Mobile contacted the Village to renew their lease, which does not expire for two years. If we don't do a lease, then they will go elsewhere. Sprint is willing to renew their lease with us as well. There are companies that would buy it, and then lease it. The board is willing to renew the lease based on the monthly amount we would receive.

IV. Unfinished Business - None

V. New Business

- A. 4th Street – The 4th Street discussion item will need to be moved to a special meeting or the September COW Meeting.
- B. Gaming Machines – The Board was asked for their opinion on allowing a liquor license

for obtaining gaming machines for Lemon Tree and LookNu Car Wash, as each has inquired about obtaining them. To apply for a video gaming license, an establishment must have a liquor license to pour liquor (not only to sell). The consensus was for Lemont Tree, that they would like to see a plan, and could possibly agree to it if done right. The consensus of LookNu Car Wash was that they would not agree to them obtaining a liquor license. Trustee Maher was not in favor of either obtaining gaming machines.

VI. Audience Participation - None

VII. Executive Session - None

VIII. The Committee of the Whole Meeting is adjourned at 9:35 p.m.