

**VILLAGE BOARD**  
**Committee of the Whole Meeting Minutes**  
**July 18, 2016 – 7:00 PM**  
**Lemont Village Hall - 418 Main St. - Lemont, IL 60439**

I. **Call to Order**

Mayor Reaves called the COW Meeting to Order at 7:00 p.m.

II. **Roll Call**

Present were Trustees, Blatzer, Chialdikas, Stapleton and Sniegowski. Miklos and Virgilio were absent. Also present, George Schafer, Charity Jones, Mark LaChappell, Marc Maton, Linda Molitor, Ralph Pukula and Chris Smith.

III. **Discussion Items**

A. **Gateway TIF Boundary Revisions and Site Marketing Update**

Previously discussed at the June 20 COW Meeting, Planning & Economic Development Director, Charity Jones, presented background information and how the Village could move forward with creating a new TIF. Since the current Gateway TIF is not generating any increments from the 2009 Gateway Tax Increment Finance, the position is the Village would create a new TIF which would only include the Village-owned parcels. At the request from the board at the previous COW meeting, it was determined by counsel that the impact on the property would be insignificant.

Staff recommendation is to move forward with the new TIF. Deleting the parcels requires a passed ordinance, and a public hearing for the ordinance.

The RFP for the redevelopment of the Rt. 83 & Main St. gateway closed and three were received; none met the exact requirements. Moving forward, it was proposed to meeting with all three and select no more than two to go through a complete proposal.

B. **5<sup>th</sup> Street Infrastructure and Variation Request**

Briefly discussed at the June 20 COW Meeting was the 5<sup>th</sup> Street property variance request. At that meeting, a special meeting was scheduled for Wednesday, July 13. Mayor Reaves, Trustee Sniegowski, staff and residents of 5<sup>th</sup> Street were in attendance.

Mr. Brennan previously applied for a building variance on his property. Through the review process, the Fire Department determined there is a lack of water for fire protection on 5<sup>th</sup> St., as the closest hydrant is on 4<sup>th</sup> and McCarthy. This creates a safety concern to the Fire Department.

Village staff has identified other parts in the Village that did not have utility service and/or have only sewer; this equates to approximately 80 parcels. With that being said, the proposal of Mr. Brennan's to build two homes on 5<sup>th</sup> Street and it being a private road is one issue, and the larger part of the issue is the other 80 parcels without utility service.

At the July 13 meeting, many of the residents on 5<sup>th</sup> Street gave input on, if we added water or widened the road, how that would affect their lifestyle on that road. Emails were received with suggested options. There is a petition out to subdivide Mr. Brennan's lots. Mr. Brennan has not gone to court to determine if he has legal rights to access to that property. This has not been established.

5<sup>th</sup> Street is a private road in which the Village plows in the winter and has Waste Management pickup.

Trustees that were not in attendance gave input prior to the meeting. Trustee Virgilio feels that she is in favor of granting a private well for the properties on 5<sup>th</sup> Street until Village water became readily available. At that time, the residents should be required to hook up to our services and cap their well.

Trustee Miklos felt that for fire protection safety the roads should be Village roads and maintained by the Village.

Some homeowners want to keep 5<sup>th</sup> Street as a private road that they said they would plow the snow and maintain it. If this was the case, it is possible that a Homeowners Association might have to be established. This is the only way the Village has in the past approved private roads. It is believed that all residences have to be part of the HOA, to prevent one person from not maintaining their area. This would need verification.

It was asked if there are other roads in the Village that are allowed this, and Ralph Pukula, Public Works Director, responded that he did not believe there were other private roads in which there is not a dedicated right-of-way.

It was also stated that there is a state law, once water is within a reasonable distance, you have to be hooked up to it, which is related to public safety.

If the Village were to run water specifically for 5<sup>th</sup> St., we would tap off 4<sup>th</sup>, and loop it to 5<sup>th</sup> Street, due to the cul-de-sacs, to the properties to have sewer service. At the time the sewers were put in, there was no access to water.

Moving forward, we cannot utilize MFT revenue for the road, and would not plow because of the private road status. Regardless if the homeowners were to maintain the road themselves, the Village would still need to obtain a dedicated right-of-way.

Trustee Blatzer asked if we ran water to the homes, would they be allowed to use their wells. Mayor Reaves answered that this would be up for discussion. When 4<sup>th</sup> Street was done, they were allowed to use well water to do irrigation and wash cars, things like that, and once the well was dry, they would have to cap it.

Resident Lori Barnett stated that Mr. Brennan blocked his right-of-way from McCarthy Road. The house on 5<sup>th</sup> & McCarthy is up for sale, and why doesn't he buy that house; he would then have access. She stated that Mayor Reaves said they would not be forced to take this water issue on, and were told we would have the option. She does not want public water due to the chemicals in the water. Construction is an issue; when the Village worked on the road the last time, they could not get to their house. Mrs. Barnett stated that the Village should leave the property line as is and leave the homeowners alone.

Phil Cullen stated he researched for recording documents regarding public access to that road. There is no public records. Mr. Brennan could not have gotten a building permit to build his first home in the first place if it was landlocked. Others are saying he landlocked the road.

John Ivancicts - 461 5<sup>th</sup> Street stated he has heard many comments and statements from other residents, as he was not able to attend the July 13 meeting. He said the residents on 5<sup>th</sup> Street do not even know what the proposal is from the Village. He stated that Mr. Brennan was told by the last board when he put in for a variance, that if he wants access to that property to buy a helicopter. He hasn't gone to court because he knows he is going to lose. Mr. Ivancicts asked what exactly is it that Mr. Cullen wants to do. How is it going to impact us? Show us some facts. If it benefits everyone, I'm sure those on 5<sup>th</sup> Street would look at it. It is hard to make a decision without seeing any proposal; He would like to see a proposal from the Village on all this.

Mayor Reaves stated that is what we are working on (the proposal).

Mr. Ivancicts, in relaying what he was told by other residents, said that if the Village is doing this because they need more revenue, then the Village should be more fiscally responsible. Responding to this comment, Mayor Reaves stated that the Village has been cutting expenses and has been and is fiscally responsible. Revenue is in regards to a water system as a whole in the Village.

Mayor Reaves continued, stating that the number one reason this issue is being looked into is because Fire Chief Rimbo is in charge of public safety. When Rimbo says that is an issue, when it comes to fighting fires and safety in the Village, then it is being revisited. When Mr. Brennan asked to put a home on this lot, it went to the review process and the Fire Department is part of that review. They put a statement in writing that it is a safety issue. It's not a question of getting a truck up and down the street; it's the ease of operating the truck and the safety. If our board deems something needs to be done about 5<sup>th</sup> Street, and our fact finding, due to the petition, we have 80 other homes we are trying to figure out what we are going to with as well. More discussion will take place on these other 80 properties.

Mayor Reaves continued, stating that first, we have a sewer line we have no easement over, we need to figure out how we get access to that. We have to televise all sewer lines as well,

and would be in violation of our responsibility to televise all sewers over a period of time because we are unable to televise that sewer as of now.

Trustee Chialdikas asked if there are other issues in town like this one. Ralph Pukula said he does not know of any other private roads, and Public Works has taken care of 5<sup>th</sup> St. as it was our road.

Resident Gerald Johnson stated that at a Village Board meeting several years ago with the Village's old attorney, the plowing on 5<sup>th</sup> Street was brought up. The attorney said the Village would be liable if they didn't plow the road. Jerry told them at that time it was a private road.

The Mayor spoke in regards to determining the steps that need to be taken to move forward with a plan. As far as the road, minimal action would need to be taken, seize to easement and discontinue maintenance. The homeowners would need to agree to establish a HOA. The Village needs to see if we could get a roadway easement. We have no dedicated easement on the existing sewer. If someone had to tie into our line, then that's an issue. At a minimum, we would need to seek easement.

Planning & Economic Development Director, Charity Jones, relayed the options moving forward. We could keep it as a private street, obtain public easement for the road or dedicated right-of-way.

Mayor Reaves asked if we can do anything immediate so we have ownership of the sewer line and that we need a utility agreement for the sewer line. He continued, stating we need to make a decision as a board - do we want private roads inside the Village limits. In addition he stated we need to:

- Obtain a legal opinion on the legality for the snow plowing.
- Take into consideration national weather events, coordinated with medical emergencies, and what that all entails.
- Evaluate water and utility customers for the entire system.
- Obtain an in-depth written quote cost estimate on 5<sup>th</sup> St.
- Obtain a site survey on where this water would go and the processes for that.
- Get preliminary engineering if, again we decide the road becomes a public road and how that affects the homeowners and lots.
- Determine how that cost affects the homeowners.

Mrs. Barnett said that if the Village does come in, you're taking the property from us, and I use the property across the street for parking. You're taking property away from us.

Mr. Brennan stated that when he bought property, he did not land lock himself; that he always had access to this lot on 5<sup>th</sup> St. - for 28 years. He used it and maintained it for 28 years. He stated he talked to his attorney and the attorney said: no one denied him use of

this road; they have to deny use of it before you can be denied of it; you can get a building permit; and it's up to the homeowners not the Village of Lemont. The residents can sue him.

In closing, Mayor Reaves said we will keep everyone informed on these issues.

- C. Montefiore – drainage issues – there is a meeting tomorrow.

IV. **Unfinished Business**

V. **New Business**

- A. IDOT - Clean Streets Bike Path – The Village requested specific items for the Main Street bike path, but IDOT denied our request. To comply they were putting a paved 6' shoulder, which is dangerous. They are not doing a "path" and not marking it and calling it, on the lines, a path for only experienced bikers. We would like to propose to have them work with us on this now, and not rip up the road again in three years. Staff will look into other options to get the project completed with more funding.
- B. Glens Connemara – At the request of one of the HOA's, they would like to meet with the Village to discuss the State's Attorney's lawsuit. This will be schedule with both HOA's and also with Kettering in early August.
- C. Food Trucks – Staff has received several requests to allow the expansion of food trucks. Staff is seeking direction from the Board if this should be further looked into before proceeding. Staff was directed to obtain information on what other towns in the area are doing.
- D. Safety Village – MWRD's Safety Village lease is up for renewal. The Village will move forward with obtaining a new lease.
- E. Birch Path – Issues were discussed.

VI. **Audience Participation** – Audience participation took place in the 5<sup>th</sup> Street discussion.

VIII. **Adjourn at 8:54 p.m.**