

Village of Homer Glen

**14933 South Founders Crossing
Homer Glen, Illinois 60491**

October 23, 2012

Board of Trustees

Board Meeting

**Village Board Room
14917 South Founders Crossing
Homer Glen, IL**

A. CALL TO ORDER

The meeting was called to order on September 25, 2012 by Mayor Jim Daley at 7:35 p.m. in the Village Board Room – 14917 South Founders Crossing, Homer Glen.

B. PLEDGE OF ALLEGIANCE TO THE FLAG**C. ROLL CALL**

Present at 7:35 p.m. were Mayor Jim Daley, Trustees Mike Costa, Marcia DeVivo, Tedd Kagianas, Mary Niemiec, Margaret Sabo and George Yukich. All remained present throughout the meeting. Also present on behalf of the Village were Village Clerk Gale Skroboton, Village Manager Cameron Davis, Development Services Director Mike Salamowicz, Assistant to the Village Manager-Planning and Zoning Erin Venard, Finance Director John Sawyers and Village Attorney Cary Horvath.

A quorum was established.

Mayor Daley stated that there would be no need for an Executive Session at tonight's meeting.

D. APPROVAL OF AMENDMENTS TO AGENDA

Mayor Daley stated that there will not be an Executive Session at tonight's meeting.

E. APPROVAL OF MINUTES**1. September 11, 2012 Board Meeting**

Trustee Costa made a motion to approve the Board Minutes of September 11, 2012; second by Trustee Sabo.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Niemiec Sabo and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) Trustee Sabo

The Mayor did not vote

Motion carried.

F. SCHEDULE OF ACCOUNTS PAYABLE

Trustee Yukich made a motion to approve the Accounts Payable for the period September 27, 2012 to October 24, 2012 in the amount of \$150,155.68; second by Trustee Costa.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Niemiec Sabo and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) Trustee Sabo

The Mayor did not vote

Motion carried.

G. REPORTS AND COMMUNICATIONS FROM MAYOR AND OTHER OFFICERS

1. Mayor Daley reported:

- . The Mayor stated that Early Voting is now open. Voters can stop by the Village Board Room Monday through Friday from 9 a.m. to 4 p.m. This is an important election not just for the Presidential candidates but also for the Village of Homer Glen as our residents are asked to consider the continuation of the Village's Home Rule status.
- . On Tuesday, October 30th at 7 p.m. the Village will host an informational meeting regarding the referendum on Home Rule for the Village of Homer Glen. The meeting will be held at the Homer Junior High School Cafeteria at 15711 Bell Road.
- . Mayor Daley stated that tonight the Village Board will consider his appointment of Janie Patch to the first ever Homer Glen Economic Development Director position with the Village. We had a tremendous number of qualified candidates apply for the position. The Mayor stated that after an extensive search process he is confident that we have found the best candidate for the position.
- . The Mayor congratulated Homer Glen resident Liz Phillips for being named the NCAA's Woman of the Year. Liz graduated from Washington University in St. Louis with a biomedical engineering degree and won seven All-American honors for indoor and outdoor track. She also won several academic All-American honors, helped the cross country team win the National D3 Championship, volunteered her time on the Student-Athlete Advisory Committee, served as a coach for Girls on the Run and was a Vice President for the Society of Women Engineers.
- . Mayor Daley reminded everyone that Trick or Treat hours in Homer Glen will be from 3 p.m. to 7 p.m. on Halloween, Wednesday, October 31st.

2. Trustees :

a. Trustee DeVivo reported:

- . The Parks and Recreation Committee met and discussed the revised Master Parks Plan and hope to review it within the next two months, host an Open House to discuss the revised plan and then present it to the Village Board for consideration. Trustee DeVivo asked if the proposed Parks Plan could be put on the Village's website to allow some interaction with residents if they can't make it to the Board meeting. Manager Davis stated that when the draft is complete Staff would be happy to put it up on the website.
- . Trustee DeVivo stated and she, along with Staff will be going to Springfield on October 30th to present our plan for the IDNR Grant for the Goodings Grove Park.

b. Trustee Niemiec reported:

- . The residents who are serviced by Illinois American Water will see a rate increase on their water bills. Illinois American had initially filed for a 12.6% increase in sewer; however, the ICC declined to give them the full amount and reduced it to a 5.2% increase.
- . Trustee Niemiec reported that on Saturday, November 3rd the Homer Glen Foundation is sponsoring the 5K "Mike Hike" in honor of PFC Mike Olivieri. Registration can be taken for runners and walkers the day of the Race. Proceeds from the Race will be put toward a Veterans' Memorial at the Township's Healing Garden.
- . Trustee Niemiec voiced her support of voting for the continuance of Home Rule which is more than just about saving the 1% Home Rule Sales Tax. She stated that Home Rule gives our community the ability to zone, to be held accountable to our residents and determine our fate and

economic growth. Trustee Niemiec encouraged residents to read the information that is available on the Village's website and contact Village staff if they have any questions.

c. Trustee Kagianas reported:

- . Trustee Kagianas thanked our local Homer Glen McDonalds restaurant for holding their 5th Annual McCare night which provides the opportunity for Goodings Grove School to earn money for their PTL. McDonalds gave back 10% of the proceeds received to the school and PTL.
- . The Community and Economic Development Committee met and discussed outdoor sales. The Committee is seeking further information in order to make outdoor sales at our various businesses very viable and successful. The Committee also discussed how the Village's current Lighting Ordinance will be executed with our local businesses and how the review process and standards will be set for conforming and non-conforming businesses.

d. Trustee Sabo reported:

. **Homer Glen Lands Day Tree Planting Ceremony**

Due to rainy weather, the Tree Planting Ceremony for Homer Glen Lands Day is being rescheduled. The new date will depend on when large equipment is allowed to enter the tree nursery to dig the tree. Communication has taken place between Rick Gomez of Instant Shade, Ann Christie the Principal of Schilling School and the Environment Committee. The rescheduled date of the tree planting will be posted on the Village's website.

. **Star Gazing in the Fall at the Trantina Farm – October 19th.**

Rainy and cloudy weather interfered with viewing the night sky. Two astronomer groups, the Kankakee Area StarGazers and South West Astronomy Observers Group were represented. They did not want to disappoint any guests who would attend and to be available with telescopes if the clouds moved. Some families and individuals did attend and the astronomer provided handouts, answered questions and provided an abundance of information on the fall sky. Trustee Sabo thanked our EMA for assisting at the event and the Homer Township Administration for use of the Trantina Farm.

- . Trustee Sabo stated that the Environment Committee has continued to review Homer Glen's Lighting ordinance since 2007 when the ordinance was adopted. The Environment Committee would like to address any concerns of the Community and Economic Development Committee so efforts by each committee are not duplicated. Trustee Sabo commented that the two committees would like to gain understanding and clear up any misconceptions or misinformation in addressing the current ordinances lighting compliance date, which, she believes, is not a date written in stone. When the ordinance was first reviewed in 2007 as a draft it did not have a compliance date. Upon review by the Village attorney at that time it was recommended that (7) years be the compliance date. The Environment Committee did not feel this was enough time and 2018 was suggested. Trustee Sabo commented that one of the reasons for this ordinance is to save energy and to show businesses and individuals what they can do to reduce their electric costs. Trustee Sabo noted that the compliance date can be changed and should not be viewed as a threat. She noted that Homer Glen was one of the towns that was selected for our unique ability to address light pollution. The State of Illinois has a resolution, #0884 which addresses the purpose of this ordinance. The State of Illinois recognizes that light can be a detriment. Trustee Sabo believes that this ordinance is an advantage to this community and is used as a model in so many other municipalities for them to adapt and adopt as they wish. She asked Trustee Kagianas to meet and discuss the Lighting ordinance.

Mayor Daley stated that, in his opinion, it is not just the committees that need to discuss the Lighting Ordinance, but he believes that there are a number of issues that need to be addressed by

the Village Board. He noted that this ordinance will have to come back to the Village Board to decide on how we will get businesses to comply or give them some type of relief or time frames. The Mayor asked the two committees for their separate recommendations which will be discussed at a future Village Board Workshop.

e. Trustee Yukich reported:

- Trustee Yukich urged residents to attend the informational meeting at Homer Jr. High to hear and understand the importance of retaining our Home Rule status.

f. Trustee Costa – No Report.

3. Village Treasurer John Sawyers read into the record the Treasurer's Report, with ending balances as of September 30, 2012.

General Fund	\$ 6,343,253.19
Motor Fuel Tax Fund	\$ 1,553,852.31
Land Acquisition Fund	\$ 1,238,595.04
Park Fund	\$ 834,235.18
Capital Project Fund	\$21,862,746.66

4. Village Clerk – No Report

5. Village Attorney Horvath reported:

- Shell Oil had previously asked the Village Board to consider passing a limited ground water ordinance with respect to the petroleum spill that had occurred years ago at the Shell Station on 143rd Street and Bell Road. One of the concerns was the need to test the private well at 12660 West 143rd Street as a condition for the Village Board to consider passage of the ordinance. Shell Oil submitted a protocol for the testing. The testing will be performed by URS Corporation. Attorney Horvath asked for Board approval for him to authorize the attorney for Shell Oil to tell URS to go ahead with the sampling so we can bring the results back to the Village Board for final review prior to consideration of the limited ground water ordinance.

The Village Board directed the Village Attorney to contact the attorney from Shell Oil to authorize URS to do the testing.

6. Task Force Chairperson(s) – No Report

7. Public Safety Officials – No Report

8. Village Manager Davis reported:

- On Thursday, October 25th a Tobacco License hearing will be held at 3:00 p.m. to consider the suspension and revocation of the license for M & M Expo, dba Smokers Expo for selling tobacco to individuals under 18 years of age and failure to appear at an initial Public Hearing on October 9th.
- The amnesty program that had been approved by the Village Board for unpaid tickets has been very successful. Individuals with outstanding tickets were given an opportunity to pay those tickets before their names were sent on to the new State of Illinois program that the Board and many communities have adopted. The Village has raised over \$1,100.00 in payment of outstanding tickets. Manager Davis thanked Kathy Carik and Dorene Shemanski for their work on this program.
- The Village will be partnering with District 33C for the new site of the Village Christmas tree. The Village will be decorating an evergreen tree on Bell Road at the entrance next to the old school house. The tree lighting ceremony will take place on Monday, November 26th at 6:30 p.m. and will include a

visit from Santa and refreshments. Manager Davis thanked Dist. 33C and the Homer Highway Department for making this event happen.

- . The Village staff is building a new sub-website that will be attached to the Village's website for the Northern Will County Water Agency. The website will include many of the Agency's documents, minutes, agenda and other transparency items. This information should be up and running in about one (1) month.
- . Manager Davis and Lieutenant Mark Fisch met with the Bengston family regarding the traffic back-up throughout the community that was created by the record crowd who attended their Pumpkin Fest this past Sunday. Traffic issues were discussed and how we can make sure that this type of traffic tie-up does not happen in the future. Manager Davis thanked the Bengston family for their cooperation.
- . Manager Davis reported on the quarterly "Above and Beyond the Call of Duty" (ABCD Award) staff recognition award that will be given to John Robinson and the EMA volunteers.

H. PUBLIC COMMENT

1. Jerry Kuzanek, 14549 S. Mallard Lane, voiced his concern about the air pollution that exists in Homer Glen when residents burn leaves. Mr. Kuzanek asked what the Village Board plans to do about leaf burning and why there isn't an ordinance that prohibits burning.

I. LEGISLATION

1. Motion to Authorize the Village Board to Accept and Receive the 2011-2012 Village Audit.

Trustee DeVivo made a motion to accept and receive the Village Audit; second by Trustee Niemiec.

Ed McCormick, audit partner with Mulcahy, Pauritsch, Salvador & Co. Ltd reported on the Village of Homer Glen's Comprehensive Annual Report. Mr. McCormick noted that once again the Village's revenues exceeded expenses and the 1% Home Rule Sales Tax has had a positive economic impact on the Village's revenues. Mr. McCormick reported that the Village was \$851,000.00 under budget for expenditures for the FY2011-2012.

Mayor Daley thanked Manager Davis, Finance Director John Sawyers and his support staff who work on the finances for the Village. The Mayor noted that as a result of very responsible planning the Village continues to operate without a municipal tax.

Trustee Niemiec thanked Mr. McCormick and Finance Director John Sawyers for all their work. She stated that the strategy that the Village began in 2001 to really try to live within our means, not issue a property tax and to look at revenue sources with the least impact to our residents has resulted in a positive financial report.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Niemiec, Sabo and Yukich

Nays: (0) None

Abstain: (0)

Absent: (0) Trustee Sabo

The Mayor did not vote

Motion carried.

2. Motion to Approve Mayor Daley's Appointment of Janie Patch to the Position of Economic Development Director at an Annual Salary of \$80,000.00.

Trustee Kagianas made a motion to approve the Mayor's Appointment; second by Trustee DeVivo.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas, Niemiec, Sabo and Yukich

Nays: (0) None

Abstain: (0)

Absent: (0) None

The Mayor did not vote

Motion carried.

Ms. Patch thanked the Mayor and Village Board for this opportunity. She stated that she looks forward to working with the Village Manager and staff and will be focusing on the Village's strategic development goals.

3. Motion to Waive the \$50.00 Permit Fee Associated with the Installation of the Veteran's Memorial Garden Along the Homer Glen Heroes Trail at Hiawatha Trail Connection.

Trustee DeVivo made a motion to waive the permit fee; second by Trustee Costa.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (5) Trustees Costa, DeVivo, Kagianas, Sabo and Yukich

Nays: (0) None

Abstain: (1) Trustee Niemiec

Absent: (0) None

The Mayor did not vote

Motion carried.

4. Motion to Approve the Bid Proposal from Chicagoland Paving for the Amberfield Townhomes Subdivision Roadway Improvements in the Amount of \$87,976.14.

Trustee Costa made a motion to approve the Bid Proposal; second by Trustee Yukich.

Manager Davis stated that a spread sheet will be provided to the Village Board showing the on-going running totals of any expenses related to subdivisions with Letters of Credit.

Trustee DeVivo congratulated Development Services Director Mike Salamowicz for his quick efforts on moving this project through the process.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas Niemiec, Sabo and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote

Motion carried.

5. Ordinance No. 12-048 – An Ordinance Authorizing the Placement of a Traffic Control Device (Stop Sign) at the Southeast Corner of Badger Lane and Woodland Drive.

Trustee Yukich made a motion to approve Ordinance No. 12-048; second by Trustee Costa.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas Niemiec, Sabo and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote

Motion carried.

6. Motion to Approve a Proclamation Designating October 27th through November 3rd as National Physical Therapy Week in the Village of Homer Glen.

Trustee DeVivo made a motion to approve the Proclamation; second by Trustee Niemiec.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (6) Trustees Costa, DeVivo, Kagianas Niemiec, Sabo and Yukich

Nays: (0) None

Abstain: (0) None

Absent: (0) None

The Mayor did not vote

Motion carried.

7. Ordinance No. 12-049 – An Ordinance Granting a Map Amendment Changing the Zoning Classification of Certain Real Property Hereinafter Legally Described and Located Generally at 14059 West 159th Street, Homer Glen, Illinois from an A-1, Agricultural Zoning District to C-3, General Business District (Dunn Farm).

Trustee Sabo made a motion to approve Ordinance No. 12-049; second by Trustee Yukich.

Trustee Niemiec noted that the Plan Commission voted to deny the approval of changing the zoning classification from A-1 to C-3 and she questioned why the Board was being asked to approve the change to the zoning classification..

Attorney Horvath stated that the Village Board was being asked to approve the Ordinance and not accept or deny the recommendation of the Plan Commission.

Mayor Daley noted that the recommendation of the Plan Commission to deny is in the Village's official records.

Trustee Yukich asked if this property was already zoned C-3. He stated that he believed that when the Village was incorporated big tracks of property were left open so that people could still come here and farm; however, if the property owner decided to sell the property it would automatically revert back to a C-3 zoning.

Manager Davis stated that in the current Comprehensive Plan much of the property along 159th Street is designated for future commercial uses. The Dunn property, however, is identified as general agricultural possibly because of historical reference. Manager Davis noted that the Comprehensive Plan also suggests a minimum setback of 600 ft. for commercially zoned land.

Mayor Daley stated that the property owner and his attorney are requesting the rezoning in order to move forward with marketing the property for commercial development.

Trustee Niemiec stated that the Comprehensive Plan designates that this area will be heavily commercial and noted her concern that the Board would approve zoning at 600 ft. without seeing a plan.

Mayor Daley stated that the intension of the property owner is to meet the minimum depth of the commercial lot. The Mayor noted that the petitioner is meeting this recommendation, which is 600 ft. This does not preclude the property owner from requesting additional commercial depth in the future.

George Arnold, attorney for the petitioner, stated that the purpose for the rezoning request is to market the property. Attorney Arnold stated that his understanding of the Village ordinance for commercial development is that it has to come in as a PUD, which means the Village will have complete final control. He stated that the reason they chose 600 ft. was to give them the most flexibility to design the development in a way that would make sense.

Mayor Daley stated that the Village Board has every right to deny a plan that is brought in as a PUD even if it is zoned C-3 and conforms to the 600 ft. minimum.

Trustee DeVivo asked if this property will be deep enough when IDOT takes the property that they need in order to complete the widening of 159th Street.

Mayor Daley commented that 600 ft. would accommodate the taking of any property by IDOT and the owners have additional property in the event that they wanted to make the commercially zoned land larger in the future.

Trustee Sabo stated that this property is in a wonderful location and has the potential of bringing in the sales tax that we are seeking and furnish areas to shop for our own residents and people from other communities. Trustee Sabo voiced her concern is that once a property is zoned C-3, even though there is a PUD, it is not a good planning practice to zone something when we don't know what is going to be built on the site. Trustee Sabo asked the Village attorney for clarification if we rezone C-3 do we have to accept any business uses that are listed in C-3 zoning category.

Attorney Horvath stated that the Village Board can change the uses in C-3 at any time.

Trustee Yukich asked if rezoning this property to C-3 changes the tax on the property for the owner.

Mayor Daley stated that the taxes are based on the use of the land and not the zoning.

Trustee Yukich asked if this property is rezoned to C-3 does it make the property worth more as a C-3 instead of being zoned agricultural.

Mayor Daley stated that the rezoning gives the property owner the ability to be very clear with a potential business that the proper zoning is in place.

Trustee Yukich suggested that the Village come up with a letter of intent saying that the property will be zoned C-3 without actively approving the C-3 zoning at this time.

Trustee Kagianas commented that the request for rezoning meets the comprehensive plan and even if we are not sure of the end uses at this time, the Village Board has the ability to address the end user and how the density of that property will be utilized.

Trustee Costa asked if the Village Board can require that the depth of the development be extended deeper.

Manager Davis stated that the depth can go back as far as the Village Board requires and the property owner agrees.

Manager Davis stated that the Village has previously rezoned commercial properties without seeing or adopting a plan so the Village has a Standard Operating Procedure for rezoning property without

specific plans that are attached with that rezoning. He further stated that this is common for commercial rezoning but not common for residential.

Trustee Niemiec questioned why the Plan Commission was concerned about the depth when the Village Board can change the 600 ft. depth at any time. She noted that the vision for 159th Street was to discourage strip malls.

Trustee Niemiec stated that when the Comprehensive Plan was developed we did not know what the setback would be with IDOT for the widening of 159th Street. She asked if we know how much IDOT will be taking.

Manager Davis stated that we will not know, until the final discussions happen between the property owner and IDOT, how much Right-of-Way will be taken by IDOT.

Mayor Daley stated that this property doesn't yield financially to a strip mall and it will be a substantial development in the Village. The C-3 zoning will allow the property owner to go out and shop the property and bring a viable commercial entity that will be major player in Homer Glen.

Trustee Costa asked if the Village can give a Letter of Intent to the developer stating that the Village will zone this property commercial that he can use in his negotiations to attract business.

Manager Davis stated that we can't commit future Village Boards to approve zoning.

Attorney Arnold stated that the developer will be looking at securing a lead store and the 600 ft. gives them more flexibility without hurting them in the future.

Mayor Daley stated with the right lead store the Village Board may have to limit how many stores will go into that commercial area.

Trustee Niemiec asked what the remainder of the property would be used for that is not designated for commercial.

Attorney Arnold stated there will be residential in the back of the property.

Manager Davis asked the Village Attorney to explain what would happen if the Village Board voted "no" on the rezoning.

Attorney Horvath stated that if the Board votes "no" there is a 1-year period of time that must expire before the petitioner could submit a new request to change the zoning.

Mayor Daley noted that the developer cannot come back with the same application. They would have to come back with a different proposal.

Manager Davis stated that that proposal would have to go through the normal process and go back to the Plan Commission.

Trustee Sabo questioned if the Board was to vote "no" tonight could the developer come back with a different proposal for the size of the property.

Manager Davis confirmed that they could request a different size.

Trustee Sabo noted that there is a water problem on this property which means that less of this land can be used. She noted that the petitioner is requesting the rezoning of 31.1 acres and asked why they want to market this entire area as commercial when 8.86 acres in the front cannot be developed for commercial. Trustee Sabo commented that, in her opinion, the Board needs more time as this is not a simple request and she feels that there will be consequences for the Village if not done correctly.

Trustee Niemiec asked if there is an urgency for the Board to make a decision tonight.

Attorney Arnold stated that the petitioner has been trying to get something going for quite some time and they are anxious to proceed with negotiations with interested businesses.

Trustee Sabo withdrew her motion; Trustee Yukich did not withdraw his second.

Trustee Kagianas made a motion to approve Ordinance 12-049 as presented; second by Trustee Yukich.

The Mayor asked the Clerk to call the Roll:

Roll Call Vote:

Ayes: (5) Trustees Costa, DeVivo, Kagianas Niemiec and Yukich

Nays: (1) Trustee Sabo

Abstain: (0) None

Absent: (0) None

The Mayor voted aye.

Motion carried.

J. OLD BUSINESS

There was no Old Business.

K. NEW BUSINESS

1. Presentation of Proposed Budget/Expenses for 2013 Homer Community Festival.

Trustee Costa gave the Mayor and Village Board a copy of the proposed cost-sharing budget for the 2013 Homer Community Festival which has been based on last year's figures. The Committee will be presenting a final budget at the beginning of 2013 for Board review.

L. EXECUTIVE SESSION

There was no Executive Session.

M. ADJOURNMENT

Trustee Sabo made a motion to adjourn the meeting; second by Trustee Costa.

The meeting was adjourned at 9:54 p.m.

Respectfully Submitted,

Gale Skroboton, Village Clerk

Approved at the Board of Trustees Meeting dated