



# **Village of Homer Glen**

**14331 South Golden Oak Drive  
Homer Glen, Illinois 60441**

**Tuesday, February 28, 2006 – 7:30 p.m.**

**Board of Trustees**

## **Board Meeting**

**Village Council Chamber  
13031 West 143rd Street  
Homer Glen, IL**

**A. CALL TO ORDER**

The meeting was called to order on February 28, 2006 by Mayor Russ Petrizzo at 7:39 p.m. in the Village Council Chamber - 13031 West 143rd Street, Homer Glen.

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

Present at 7:39 p.m. were Mayor Russ Petrizzo, Trustees Brian Andrews, Marcia DeVivo, Christopher Locacius, Mary Niemiec, Margaret Sabo, and Dale Vogelsanger. All remained present throughout the meeting. Also present on behalf of the Village were Village Clerk Gale Skrobuton, Village Manager Dwight Johnson, Community Development Director Jeff Harris, Village Treasurer Terry Healy, Glenn Spachman, and Village Attorney Ken Carlson.

A quorum was established.

**D. APPROVAL OF AMENDMENTS TO AGENDA**

No amendments were made to the Agenda.

**E. SCHEDULE OF ACCOUNTS PAYABLE**

1. Trustee Vogelsanger made a motion to approve the payment of General Fund expenditures for the period January 26, 2006 to February 28, 2006 in the amount of \$319,729.38; second by Trustee DeVivo.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None.

The Mayor did not vote.

*Motion carried.*

2. Trustee Vogelsanger made a motion to approve the payment of Motor Fuel Tax Fund expenditures for the period January 26, 2006 to February 28, 2006 in the amount of \$16,968.72; second by Trustee Sabo.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote.

*Motion carried.*

**F. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

1. March 29, 2005 Village Board Workshop

Trustee Vogelsanger made a motion to approve the Minutes of the March 29, 2005 Village Board Workshop, second by Trustee Sabo.

Roll Call Vote:

Ayes: (4) Trustees Andrews, DeVivo, Sabo and Vogelsanger

Nays: (0) None

Abstained: (2) Trustees Locacius and Niemiec

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

2. May 3, 2005 Village Board Workshop

Trustee Vogelsanger made a motion to approve the Minutes of the May 3, 2005 Village Board Workshop, second by Trustee Andrews.

Roll Call Vote:

Ayes: (5) Trustees Andrews, DeVivo, Niemiec, Sabo and Vogelsanger

Nays: (0) None

Abstained: (1) Trustee Locacius

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**G. APPOINTMENTS - None**

**H. REPORTS AND COMMUNICATIONS FROM MAYOR AND OTHER OFFICERS**

1. Mayor Petrizzo stated that representatives from the police, fire, road commission, and public safety will be reporting at each monthly Board Meeting. The Mayor also commented that last year the Board set goals for 2005-2006, of which seven of the eight have been accomplished. A meeting date will be set for the Board to discuss and decide on goals for the upcoming year.
2. Treasurer Terry Healy read into the record the Treasurer's Report, with ending balances as of January 31, 2006:

General Fund	\$ 1,023,772.01
Motor Fuel Tax Fund	\$ 1,362,893.86
Park Fund	\$ 847,166.12
Capital Project Fund	\$ 110,505.07
3. Village Manager Dwight Johnson reported that House Bill 5555 regarding water rates, as proposed by Representative Renee Kozel, was approved 113 to zero in the House. This Bill will now go to the Senate.
4. Village Clerk Gale Skrobuton reminded everyone that the General Primary Election will be held on Tuesday, March 21, 2006. Early voting is available to registered voters through Thursday, March 16, 2006. An AutoMARK Voter Assist Terminal is also available for voters with disabilities and other special needs.
5. Attorney (No report)

6. Highway Department: Highway Commissioner Mike DeVivo reported that Canton Farm Road was selected for an overpass, but it has yet been decided on how it will go through the Village. The Illinois Tollway Authority will be shutting down Gougar Road between 167<sup>th</sup> Street and 159<sup>th</sup> Street, and they plan on completing all the overpasses that are going over the local roads by this summer. Mr. DeVivo reported that he is reviewing the paving program and engineering will soon be available. This program includes replacing the soft shoulders on the arterial roads with paved shoulders that will have rumble strips.
7. Sheriff Department: Lieutenant Craig Butkovic reported that despite the growing population in the Village and the growing commercial base, we have experienced a modest decrease in accident rates including a decrease in personal injury accidents. Lieutenant Butkovic thanked the Mayor and the Board for their support of the increased police enforcement. In 2005 slightly over 3800 traffic citations were written, but in addition, over 2,000 written warning tickets were issued and over 1900 verbal warnings were given. These written and verbal warnings are part of an educational component as the Sheriff's Department looks for voluntary compliance.

Lieutenant Butkovic also reported that initial crime reports from the State of Illinois show a preliminary decrease of about 14% for 2005.

8. Fire Department: Joey Jeraminas, Fire Inspector, reported that while there have been no structural fires, the Village is experiencing a rash of brush fires.
9. Public Safety: Bob Schmidt reported that the Public Safety Committee met and discussed some amendments to the current burn ordinance. These amendments will be presented to the Board in the next month.
10. Trustee Sabo reported:
  - a. The Environment Committee and Storm Water Task Force are seeking additional volunteers for the digitizing of environmental features on more property. Of importance is gathering more information on wetland sites among the many features to be included.
  - b. The Storm Water Ordinance and the Stream and Wetland Ordinance have been amended. The next Ordinance to be amended will be Flood Damage Prevention.
  - c. The Environment Committee is using the Homer Township Historic Survey provided by Will County as a resource for encouraging the preservation of significant historic buildings and structures and those built during the 1800's when Homer Township was being settled during pioneer days. The Environment Committee is seeking the support of the Village Board in this regard. Anecdotal information is being gathered from residents in the area about Homer Township history, buildings, activities and their experiences and memories. The planning for Homer Glen Land Days, Community and Nature in Harmony Awards, and tree planting is underway for September 2006.
  - d. The Tree and Landscape Subcommittee of the Environment Committee met with Manager Johnson to discuss the Subcommittee's draft of the Tree Preservation Ordinance. Members of the Subcommittee recommended ideas taken from Subcommittee draft and changes
  - e. be given to our attorney and eventually will be presented to the Village Board for review and comment prior to adoption

- 11. Trustee Niemiec thanked the members of the Water and Sewer Task Force for their hard work and efforts that helped get House Bill 4333 passed. This is the Consumer Bill of Rights and includes such issues as back billing, meter inspection, representation and accountability. Trustee Niemiec also clarifies an issue with House Bill 5555, also known as the Eminent Domain Bill. This Bill addresses eminent domain it does not change it. What the Bill does is remove the ICC from making a decision as to whether a municipality is capable of handling a water system. Since the ICC has no jurisdiction in municipal and water systems it is felt by a number of communities that the ICC should not have a say on whether or not that goes forward.
- 12. Trustee Vogelsanger reported that CCIC is working on the 5<sup>th</sup> Anniversary newsletter and reminded everyone that they are looking for suggestions to name the newsletter. He also reported that three of the members of the Economic Development Committee recently attended the Illinois Conference of Shopping Centers Convention in Chicago and participated in a tabletop show. Many developers showed an interest in various parcels in Homer Glen.
- 13. Trustee Andrews stated that the Transportation Committee met February 6<sup>th</sup> with the representative from T.Y. Lin, and reviewed information and discussed boulevards. The Committee is planning a stakeholder meeting in April to get their input on the Transportation Plan.
- 14. Trustee Locacius reminded everyone about the meeting Saturday, March 11<sup>th</sup> at 10:00 a.m. with EOP. This meeting will make everyone aware of who is involved in case of a disaster. Trustee Locacius also reported that the Township has agreed to give the Village the tornado sirens. John Robinson is looking into future cost factors. Locacius also spoke with the Village Attorney and Village Manager Johnson about creating an Ordinance for abandoned buildings that would require the owner of a vacant property to board up the building and make it safe for the community.

**I. PUBLIC COMMENTS FROM THE FLOOR**

- 1. Comments were made by the following residents who voiced their concern about the number of residential lots, the three planned culverts to be built across the creek, the number of trees to be cut down, and the flooding concerns relating to the proposed Silver Leaf subdivision:

Cathy Boo	15850 West Shady Lane
Gerald Stranski	15217 West 151 <sup>st</sup> Street
Laurel Ward	15506 Hawk Haven
Ken Lomasney	15441 S. Mallard
John Rago	14723 West Cinnamon Creek

- 2. Lynne Herman, 14337 Spring Creek Road, read a letter from the Environment Committee concerning the Rudd Welter Farm House, located on the west side of Bell Road across from the Megaplex. This farmhouse is located on a piece of land owned by Mr. William McEnery and was established in the 1860's. Since the farmhouse appears to be in good condition and is one of the architecturally significant buildings in Homer Township, the Committee feels it would be a magnanimous gesture by Mr. McEnery to donate the house to the Village, Township or County and offset some of the cost for moving the building. The Environment Committee urged the Board to consider preserving this historic building.
- 3. Debra Norvil, 14626 Appaloosa, commented that street lighting in subdivisions needs to be addressed. New subdivisions in Homer Glen have street lamps that spill light onto individual homes rather than streets, where the light is needed. Ms. Norvil stated that full cut-off lamps should be required for all subdivision streetlights.

**J. LEGISLATION**

- 1. Ordinance No. 06-010 - An Ordinance Approving Map Amendment from A-1 to R-2, and a Preliminary Plat of Subdivision for a Single Family Residential Development West of Cedar Road and South of 151<sup>st</sup> Street. (Case No: HG-0517-MS, Silver Leaf Subdivision).**

Trustee Vogelsanger made a motion to approve Ordinance No. 06-010, second by Trustee DeVivo.

*Discussion:*

Village Manager Dwight Johnson informed the Board that one change occurred today regarding the park in this subdivision. Since there was a concern about the location of the park, the developer has agreed and is proposing to eliminate the park as a municipal park and keep that area as open space. The developer will provide the Village with \$600,000.00 of total Park Donation money. The amount of Park donation required by Ordinance, calculated for the subdivision is actually a little over \$450,000.00. The developer would pay \$100,000.00 down and the remainder will be due as building permits come in. There is approximately 40% of open space within the subdivision.

Attorney Ken Carlson stated that the \$150,000.00 that is not a direct park contribution would be unrestricted for use in connection with park purposes. Mr. Carlson informed the Board that the revisions to the draft Ordinance would be a change in paragraph E on page 2, which talks about the park contribution. Paragraph E would be deleted and inserted in its place would be the park contribution of \$600,000.00 and detailed that \$450,000.00 is attributable to the park contribution and the balance would be an unrestricted park contribution.

Dwight Johnson also noted that there is a major water and sewer line proposed to be extended and go through this site. Since this will serve other areas beyond this site, both upstream and downstream, if this moves forward and goes to final plat approval, the Village would be looking for a special development agreement because of those issues.

Mr. Carlson commented that while concerns were stated during the Public Comments regarding the storm water issue, the Board has retained Christopher Burke to review the plans. Since they have been involved in the planning process, Mr. Burke has noted to the developer the conditions they will be required to satisfy for approvals from the IDNR for bridge crossings and approvals from the Corps of Engineers should there be any disruption to the wetlands issues. Christopher Burke's firm is satisfied that the developer is aware of the requirements are maintaining discussions with the developer to be sure all those requirements are satisfied with respect to this plan.

Trustee Vogelsanger questioned whether the trails were still a part of the plan, now that the park has been eliminated. Ken Carlson stated that the Developer is willing to work with the Village on the trails system through the Open Space area.

Trustee Sabo questioned the 40% open space with the park contribution, stating that this is basically what it has been all along and the developer is not giving 40% open space because detention areas make up the major part of this 40%. Sabo also asked if we have the approval and permits from IDNR or the Corps of Engineers. Jeff Harris, Community Development Director, stated that these documents are not required for preliminary plat. Trustee Sabo commented that there might be complications if these documents are not required as the Board would be approving a preliminary plat with a certain number of lots.

Trustee Sabo pointed out that with the proposed water and sewer line going through, not as many trees are going to be saved as was reported. Trustee Sabo stated that if the line is coming west of the creek, there are more trees and more construction, not necessarily from this property, but on the property downstream and coming from the direction of Gougar Road.

Trustee Sabo also voiced her concern about giving this developer a bonus as she doesn't feel developers deserve a bonus for the destruction of trees. She does not see a benefit to the community or the environmental savings. Trustee Sabo is also concerned that a house was taken down without investigation into its historic value, and does not feel a bonus should be given for taking away a potentially historic house that could have been saved or moved.

Trustee Sabo also recommended that the method of fertilizing not be a liquid fertilizer because it bad for pollution and water run-off.

Trustee Sabo questioned Village Attorney Carlson about the second page of Ordinance which talks about "prior to the approval of the final plat a tree survey shall be performed and the owner and operator shall prepare and implement a plan to be reviewed and approved by the Village to conserve or relocate trees within the property or further provide that such plans shall include a requirement that prior to the issuance of a building permit for a lot the lot owners shall submit to the Village a survey depicting trees that would be greater than 4 inches". Sabo asked for clarification as to whether two surveys were required - one by the developer and one from the individual. Ken Carlson stated that the Ordinance requires that an initial tree survey be completed by the developer/owner and followed up by the lot owner prior to pulling a building permit.

Trustee Sabo felt that this plan needs should be zoned an R-3, or an R-2 and reduce it to 90 lots in order to save trees. She believes that with less lots the community will benefit.

Mr. Mahoney from McNaughton Builders stated that members of the Architectural Review Committee for McNaughton will approve every home being built in the subdivision.

Trustee Niemiec questioned if the developer has met the conditions for the two bonuses and the issue goes back to the number of lots and whether the bonus is warranted.

Trustee Andrews asked Village Attorney Ken Carlson to explain the recapture cost on page one of the Ordinance. Attorney Carlson said that the developer is going to extend the sewer and water line from the west of the site, to the site, through the site, beyond the site at least ¼ mile to the east side of Cedar Road. One of the things typically done because the Village is not fronting the cost for the extension of the sewer line, is to grant to the developer the right to recapture from other properties to be developed, the users of those lines, the cost of installation of that line. This is typically done on a frontage basis but if there are vacant parcels, undeveloped parcels between or beyond the property, the developer has the right to recapture from properties the cost of that construction. It keeps the Village from digging into the municipal coffers if it is decided the extension of sewer and water is beneficial to the Village.

Trustee Vogelsanger stated that he believes there is ample open space on the property. He commented that it is very difficult to have one- acre lots and open space, and feels they have done an admirable job of tree preservation by keeping a good majority of the trees. Vogelsanger also stated that the sewer and water line will save the proposed school a lot money by having it that close, even if they are required to pay a tap-on fee.

Trustee DeVivo stated that a lot of open space is being provided and the developer has also done a good job to protect this creek.

Trustee Sabo feels that bringing sewer and water to the site does not warrant a density bonus.

Trustee Andrews stated that his main concern had been the flooding and feels it has been addressed by bringing the plans before the engineers.

Mayor Petrizzo stated that the sewer and water not only benefits the proposed high school, but with 159<sup>th</sup> being a commercial area, this will be a major benefit. In our Boundary Agreement with Lockport, this area is now Homer Glen. The Mayor also commented that flooding has always been an issue and we are working with the best engineers available to make sure nobody floods, and the Board will not comprise the flooding issues for any subdivision.

Roll Call Vote:

Ayes: (4) Trustees Andrews, DeVivo, Locacius, and Vogelsanger

Nays: (2) Trustees Niemiec and Sabo

Abstained: (0) None

The Mayor did not vote

*Motion Carried*

**2. Ordinance No. 06-011 – An Ordinance Granting an Amendment to the Special Use Permit for Planned Unit Development Previously Granted for a Gas City/Convenience Store to Allow an Enclosed Outdoor Storage Area at the Northwest Corner of Bell Road and 151<sup>st</sup> Street. (Case No: HG-0601-S, Gas City)**

Trustee Vogelsanger made a motion to approve Ordinance No. 06-011, second by Trustee DeVivo.

*Discussion:*

Village Manager Dwight Johnson stated that this plan was discussed at the last workshop meeting on February 14<sup>th</sup>, at which time Robinson Engineering indicated that the lighting plan is in general compliance with the previous Village Board's approval in 2004. The Mayor had also directed Robinson Engineering to monitor the installation of the lighting during construction. The recommended conditions indicate no outdoor storage or advertising outside of the new outdoor center except for the propane tanks stored in a fence. Mr. Johnson also stated that there is a 1,000 gallon bulk storage propane tank that will be located on the property. The proposed Ordinance requires that this tank be either landscaped or enclosed with a masonry wall.

The Plan Commission recommended that the awning at the car wash be constructed similarly to the awning at Wolf Road and Route 30 in Mokena. Photos were given to the Trustees of this location.

The Board discussed the masonry wall and landscaping around the propane tank. Representatives from Gas City noted that they are governed by State law which requires the propane tank be enclosed by a fence and does not permit a solid masonry wall. Village Attorney Carlson suggested that the proposed Ordinance be revised to read: (d) the propane bulk storage tank shall be fully screened from view with landscaping" and the words "or a masonry wall" be removed. Attorney Carlson asked the Board for their preference on the awning, as the Ordinance, as drafted, provides that it shall be similar to the awnings on the Gas City facility car wash located at Wolf Road and Route 30.



After further discussion the Board chose to eliminate the paragraph in the drafted Ordinance requiring the awning to be similar to the Gas City awning on Wolf Road and Route 30.

Trustee Vogelsanger withdrew his original motion to approve.

Trustee DeVivo withdrew her Second to approve the Ordinance.

Trustee Vogelsanger then made a motion to approve Ordinance No. 06-011  
**Granting an Amendment to the Special Use Permit for Planned Unit Development Previously Granted for a Gas City Station/Convenience Store to Allow an Enclosed Outdoor Storage Area with the Following Amendments: Subparagraph (d) the deletion of the words "or a masonry wall", and the deletion of subparagraph (i) the awnings over the car wash shall be similar to the awnings on the Gas City facility car wash located at Wolf Road and Route 30,**

Second by Trustee DeVivo.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried*

**3. Ordinance No. 06-012 - An Ordinance Granting a Special Use Permit for a Liquor License for a Restaurant and Lounge in the Founders Crossing South Development at Founders Crossing and Bell Road. (Case No. HG-0542-S, Litsa Lounge).**

Trustee Vogelsanger made a motion to approve Ordinance No. 06-012, second by Trustee DeVivo.

*Discussion:*

Village Manager Johnson stated that the applicants appeared before the Board on January 17, 2006 and before the Plan Commission on December 15, 2005. Proposed conditions are (1) no live entertainment, (2) hours will be Monday through Friday - 4:00 p.m. to 2 a.m.; Saturday – 2:00 p.m. to 2:00 a.m.; and Sunday – 2:00 p.m. to midnight, (3) food service be available at all times the lounge is open.

Roll Call Vote:

Ayes: (4) Trustees DeVivo, Locacius, Niemiec, and Vogelsanger

Nays: (2) Trustees Andrews and Sabo

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**4. Ordinance No. 06-013 - An Ordinance Adopting an Emergency Operations Plan for the Village of Homer Glen.**

Trustee Vogelsanger made a motion to approve Ordinance No. 06-013, second by Trustee Locacius.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**5. Resolution No. 06-009 – A Resolution Approving Membership with the Will County Center for Economic Development.**

Trustee Vogelsanger made a motion to approve Resolution No. 06-009, second by Trustee DeVivo.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**6. Resolution No. 06-010 - A Resolution Selecting a Consultant for the Preparation of a Parks and Recreation Master Plan for the Village of Homer Glen.**

Trustee Vogelsanger made a motion to approve Resolution No. 06-010, second by Trustee Locacius.

*Discussion:*

Trustee DeVivo reported that the Park and Recreation Committee interviewed three firms and based on the presentation and the bids the Committee has recommended Housel Lavigne. This recommendation to the Board is being based on the following reasons:

1. Housel Lavigne has a good track record in preparing Master Plan.
2. They have worked with TPAP on the Village Comprehensive Plan, and therefore have a good knowledge of Homer Glen through their previous work with the Village.
3. Proposal includes significant Community Involvement and stresses getting residents involved.
4. Worked with other low-density rural communities, and with environmental and conservation design.
5. Specialize in the use of GIS.
6. They partner with Upland Design, who is preparing the Homer Township Open Space project.

Housel Lavigne will also create a website and will conduct focus groups with children.

Glenn Spachman noted that in the cost estimate analysis Housel Lavigne was about \$19,000 below the other two firms, but did not include and estimate of their expenses or the cost of the Community Workshop. The Village will need to review their scope of services and make sure we are getting everything we want.

Trustee Niemiec suggested that the contract include a "not to exceed" clause.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**7. Resolution No. 06-011 - A Resolution Approving the Reduction of the Letter of Credit for Hunt Club Woods for Wetland Restoration.**

Trustee Vogelsanger made a motion to approve Resolution No. 06-011, second by Trustee DeVivo.

Village Manager stated that this request is for a reduction from \$350,000 to \$205,607.22 and was reviewed and recommended for approval by Christopher Burke Engineering. This item is for wetland costs only, and still retains a significant amount for any seeding of the wetland areas that may not be successful.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**8. Resolution No. 06-012 – An Ordinance Approving the Reduction of the Letter of Credit for Hidden Valley Unit 5.**

Trustee Vogelsanger made a motion to approve Resolution No. 06-012, second by Trustee DeVivo.

Village Manager Johnson stated that this request is to reduce the original amount of \$494,137.50 to the new amount of \$123,534.25, (25%). Nies Engineering has review the request and recommends approval. The full reduction requested could not be granted because of a requirement that a 25% minimum of the original amount be maintained.

Roll Call Vote:

Ayes: (6) Trustees Andrews, DeVivo, Locacius, Niemiec, Sabo, and Vogelsanger

Nays: (0) None

Abstained: (0) None

Absent: (0) None

The Mayor did not vote

*Motion Carried.*

**K. OLD BUSINESS**

1. Mayor Petrizzo thanked Attorney Lisa Madigan and her office for their help in Springfield with the water issues.

**L. NEW BUSINESS**

Village Manager Johnson reported that the remodeling of the Village Hall is almost finished. Lighting will be hooked up within the next few days, new carpeting will be installed within three weeks, speakers have been installed in the ceiling, and a new recording system is being purchased.

**M. ADJOURNMENT**

Trustee Niemiec made a motion to adjourn the meeting, second by Trustee Sabo.

Voice Vote: All in favor.

Mayor did not vote.

*Motion Carried.*

The meeting adjourned at 9:41 p.m.

Respectfully Submitted,



Gale Skrobuton, Village Clerk

*Approved at the Board of Trustees Meeting dated May 30, 2006*