

## **MEETING OF DECEMBER 17, 2008**

The regular meeting of the Board of Trustees, Village of Elwood, was called to order at 7:00 PM, December 17, 2008. Absent Acting Village President Strawn and Trustee Matichak.

Also present: Aimee Ingalls, Ed Graham, Rodney Tonelli, Lou Haussmann, Scott Haywood and Chief Dave Albert

A motion was made by Trustee LaPaglia to appoint Trustee Kucera as Acting Village President. Motion seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

Meeting opened with Pledge to the Flag.

### **PUBLIC COMMENTS**

Chris Barron of 119 E. Mississippi – addressing the parking issue with winter season. Last year temporary parking on village property was used, then residents used the parking year round and have been told not to use for parking.

Aimee Ingalls – will look into. Village property not for vehicle storage, for the snow route was the alternative. Need to contact your landlord to provide for parking. Will prepare an answer in writing to the residents.

### **PRESENTATION OF MINUTES**

The minutes of Workshop of November 12, 2008 and Regular Meeting of November 19, 2008 were presented.

A motion was made by Trustee Jones to approve the minutes of November 12, 2008 and November 19, 2008 as presented. Motion was seconded by Trustee LaPaglia. All voted in favor of motion. Motion carried.

### **PRESENTATION OF BILLS**

The bills for the previous month were presented.

A motion was made by Trustee LaPaglia to approve bills as presented. Motion was seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

### **PRESENTATION – GAS CITY**

Lyman Tieman, Attorney for Gas City, waiting for the Planner to arrive.

A motion was made by Trustee LaPaglia to amend the agenda to put Gas City at the end of the meeting. Motion seconded by Trustee Jones. All voted in favor of motion. Motion carried.

### **AN ORDINANCE GRANTING A SPECIAL USE PERMITS FOR THE CONSTRUCTION AND OPERATION OF A PACKAGE LIQUOR STORE, BANQUET FACILITY AND AN ANIMAL HOSPITAL WITHIN THE C-2 ZONING CLASSIFICATION FOR PROPERTY COMMONLY KNOWN AS THE SHOPPES OF ELWOOD AND GENERALLY LOCATED NEAR THE INTERSECTION OF ILLINOIS ROUTE 53 AND MISSISSIPPI AVENUE WITHIN THE ELWOOD TOWN CENTER SUBDIVISION**

Aimee Ingalls – building not complete, several special uses, package liquor store, banquet facility and animal hospital. Recommendation from Planning Board approved for all three (3) uses.

Ed Graham – should be noted that this special use does not approve a liquor license, they must apply for a liquor license.

A motion was made by Trustee LaPaglia to approve An Ordinance Granting a Special Use Permits for the Construction and Operation of a Package Liquor Store, Banquet Facility and an Animal Hospital within the C-2 Zoning Classification for Property Commonly Known as the Shoppes of Elwood and Generally Located Near the Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center Subdivision. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 930

**APPLICATION AND PLANNING BOARD RECOMMENDATION FOR VARIANCES – SHOPPES OF ELWOOD**

Aimee Ingalls – five (5) variances being requested. You have the recommendation from Planning Board.

**VARIANCE REQUESTED:**

Requesting two (2) permanent wall signs for each business or storefront. One sign in the front of the building facing Mississippi and one sign in the rear of the building facing Route 53. Planning Board recommended approval.

A motion was made by Trustee LaPaglia to approve the two (2) permanent wall signs for each business or storefront. One sign in the front of the building facing Mississippi and one sign in the rear of the building facing Route 53. Motion was seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

VARIANCE REQUESTED:

Requesting two (2) permanent building signs identifying the Project as the “Shoppes of Elwood”. One in the front of the building facing Mississippi and one in the rear of the building facing Route 53. Planning Board recommended approval.

A motion was made by Trustee Jones to approve two (2) permanent building signs identifying the Project as the “Shoppes of Elwood”. One in the front of the building facing Mississippi and one in the rear of the building facing Route 53. Motion was seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

VARIANCE REQUESTED:

Requesting two (2) free standing advertising signs to be constructed for a period of two years. Planning Board recommended approval but for one year period.

A motion was made by Trustee Bernhard to approve two (2) free standing advertising signs to be constructed. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

VARIANCE REQUESTED:

Requesting sixty-four (64) sq. ft. of area per sign face. Planning Board did not recommend approval.

A motion was made by Trustee Bernhard to approve the sixty-four (64) sq. ft. of area per sign face. Motion seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes,

Trustee Kucera – yes, Trustee LaPaglia – no, Trustee Wagner – yes.  
Motion carried.

VARIANCE REQUESTED:

Requesting the height of the sign to be twelve (12) feet as measured from the ground to the top of the sign. Planning Board did not recommend approval.

A motion by Trustee LaPaglia to approve the height of the sign to be twelve (12) feet as measured from the ground to the top of the sign. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – no, Trustee LaPaglia – no, Trustee Wagner – no. Motion not approved.

**AN ORDINANCE GRANTING CERTAIN VARIANCES RELATED TO THE ERECTION OF SIGNS FOR CERTAIN PROPERTY COMMONLY KNOWN AS THE SHOPPES OF ELWOOD WITHIN THE ELWOOD TOWN CENTER SUBDIVISION**

Ed Graham – recommend ordinance to be approved in January 2009.

A motion was made by Trustee LaPaglia to approve An Ordinance Granting Certain Variances Related to the Erection of Signs for Certain Property Commonly Known as the Shoppes of Elwood Within the Elwood Town Center Subdivision. Motion seconded by Trustee Bernhard. All voted in favor of motion. Motion carried.

Bill Bolker asked what height do you want on the sign? Code allows for six feet and that is why we asked for a variance. This is only a temporary sign.

Ed Graham – decide on size of sign, alternative to what was recommended.

Bill Bolker – recommend 8x8, two feet off the ground, a total of ten feet.

Rodney Tonelli – make a motion to rescind the height of sign. Height to ten feet.

A motion by Trustee Wagner to reconsider the size of the sign 8x8, two feet off the ground for a total of ten feet. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – no, Trustee Wagner – yes. Motion carried.

**AN ORDINANCE LEVYING AND EXTENDING A SPECIAL TAX IN THE VILLAGE OF ELWOOD SPECIAL SERVICE AREA NUMBER 1 FOR TAX YEAR 2008**

Ed Graham explained the ordinance. Ordinance necessary to do the billing for the SSA.

A motion was made by Trustee Wagner to approve An Ordinance Levying and Extending a Special Tax in the Village of Elwood Special Service Area Number 1 for Tax Year 2008. Motion was seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 931

**RESOLUTION FOR THE ADOPTION OF A SCHEDULE OF REGULAR MEETINGS FOR CALENDAR YEAR 2008**

Aimee Ingalls – required for publication for the year.

A motion was made by Trustee Bernhard to approve Resolution for the Adoption of a Schedule of Regular Meetings for Calendar Year 2008. Motion was seconded by Trustee LaPaglia. All voted in favor of motion. Motion carried. Resolution 2008-09-04

### **BASELINE ROAD EXTENSION – Letter of Support**

Aimee Ingalls – letter from CenterPoint for the extension of Baseline to the north entrance of CIC North. Goes from Arsenal Road to Noel Road, all on village property. CenterPoint asking that the Village will take the road once completed and turned over to us. Working with Army for an easement and then the transfer to Elwood, will be all in Elwood jurisdiction.

Ed Graham – Baseline Road was designed and constructed in the same manner.

A motion by Trustee LaPaglia to approve the Letter of Support for Baseline Road Extension. Motion was seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – no. Motion carried.

### **PURCHASE OF FITNESS EQUIPMENT – Park Committee**

Aimee Ingalls – have the opportunity to acquire fitness equipment at a low rate. After reviewing the survey that was conducted by the Park Committee, 64% wanted some fitness equipment. Equipment will go in basement until we have a permanent facility. Propose to purchase the equipment.

Asking to purchase immediately and then work out the details and getting a program together. Right now just for the purchase of the equipment.

A motion was made by Trustee Wagner to approve the purchase of the fitness equipment. Motion was seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee

Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

**FINAL PAY REQUEST – D Construction**

**Lloyd Erickson Park Parking Lot Improvements**

Aimee Ingalls – first and final pay request, for parking surface at the Gazebo in Lloyd Erickson Park. Village received a grant from Senator A.J. Wilhelmi’s office. Project is complete.

Pay Request is for \$13,195.50.

A motion was made by Trustee LaPaglia to approve final pay request for D Construction for Lloyd Erickson Park Parking Improvements for the amount of \$13,195.50. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

**FINAL PAY REQUEST – D Construction**

**2008 MFT Street Improvement Program**

Aimee Ingalls – first and final pay request for re-surfacing Wood Street, Spencer Street, Baybury Drive and Gardner Street with MFT Funds. The amount of the request is \$78,521.90.

A motion was made by Trustee Jones to approve final pay request for D Construction for re-surfacing of Wood Street, Spencer Street, Baybury Drive and Gardner Street with MFT Funds in the amount of \$78,521.90. Motion seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

## **GAS CITY**

Rodney Tonelli and Lyman Tieman present to answer and questions that the board have regarding Gas City.

### **APPLICATION AND PLANNING BOARD RECOMMENDATION FOR SPECIAL USE PERMITS**

Aimee Ingalls – three (3) special use permits, variances and site plan to be approved.

The three (3) special use permits are for car wash, automobile service station and a drive-thru restaurant facility. Variance is for the height of the car wash facility.

### **AN ORDINANCE GRANTING SPECIAL USE PERMITS FOR THE CONSTRUCTION AND OPERATION OF A CAR WASH, AN AUTOMOBILE SERVICE STATION AND A RESTAURANT WITH A DRIVE-THRU FACILITY WITHIN THE C-2 ZONING CLASSIFICATION FOR PROPERTY COMMONLY KNOWN AS THE GAS CITY DEVELOPMENT LOCATED AT THE EAST CORNER OF THE INTERSECTION OF ILLINIOS ROUTE 53 AND MISSISSIPPI AVENUE WITHIN THE ELWOOD TOWN CENTER SUB-DIVISION**

Ed Graham – the funding specified in the ordinance is for traffic signals. Ordinance does not contain conditions, you should consider.

Aimee Ingalls – Planning Board recommended approval. Sign condition is in the site plan.

Floyd Garrett – less parking and no overnight parking. More landscaping to the east.

Issue as to who will enforce the idling of trucks.

Signalization – contribution of \$40,000.00 between Gas City and Mr. Bolker.

Closing of Gas City will be on January 6, 2009.

Bill Bolker – will put a escrow of \$25,000.00 when building permit is issued on the vacant lots.

### **SPECIAL USE PERMITS**

#### **RESTAURANT DRIVE THRU**

Special Use Permit for construction and operation of restaurant with drive-thru facility at the proposed Gas City.

A motion was made by Trustee LaPaglia to approve a special use permit for construction and operation of restaurant with drive-thru facility.

Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

#### **AUTO SERVICE STATION**

Special Use Permit for the construction and operation of an automobile service station at the proposed Gas City.

A motion was made by Trustee LaPaglia to approve a special use permit for construction and operation of an automobile service station.

Motion was seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

#### **CAR WASH**

Special Use Permit for the construction and operation of a car wash.

A motion was made by Trustee Jones to approve the special use permit for the construction and operation of an automobile service station.

Motion was seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

Use Permits for the Construction and Operation of a Car Wash, An Automobile Service Station and a Restaurant with a Drive-thru Facility Within the C-2 Zoning Classification for Property Commonly Known as the Gas City Development Located at the East Corner of the Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center Subdivision. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 932

**APPLICATION AND PLANNING BOARD RECOMMENDATION FOR VARIANCES – GAS CITY**

**VARIANCE 1- CAR WASH BUILDING HEIGHT**

Variance to allow for construction of a building with a height of sixteen feet, four inches (16’4”). Planning Board recommended approval.

A motion was made by Trustee LaPaglia to approve the variance to allow for construction of a building with a height of sixteen feet, four inches (16’4”). Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

**VARIANCE 2 – NUMBER OF GROUND SIGNS**

Variance to allow for the construction of three (3) monument signs. Planning Board recommended approval.

A motion was made by Trustee LaPaglia to approve the variance to allow for the construction of three (3) monument signs. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

### VARIANCE 3 – GAS CITY GROUND SIGN

Variance to allow for the construction of one (1) ground sign with a total area of 58 additional square feet and 13' high (4' additional height requested) and contains electronic message.

A motion was made by Trustee LaPaglia to approve the variance to allow for construction of one (1) ground sign with a total area of 58 additional square feet and 13' high (4' additional height) and contains electronic message. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

### VARIANCE 4 – TOUCHLESS CAR WASH GROUND SIGN

Variance to allow for the construction of one ground sign with a total area of 65.8 square feet with a total height of 10'.

A motion was made by Trustee LaPaglia to approve the variance to allow for construction of one ground sign with a total area of 65.8 square feet with a total height of 10'. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

### VARIANCE 5 – CITY CAFÉ GROUND SIGN

Variance to allow for the construction of one ground sign with a total area of 72.50 square feet with a total height of 10'.

A motion was made by Trustee LaPaglia to approve the variance to allow for construction of one ground sign with a total area of 72.60 square feet with a total height of 10'. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee

Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

VARIANCE 6 – FAMILY PANTRY/CITY CAFÉ WALL SIGN

Variance to allow for the construction of three (3) wall signs with a combined maximum area of 35.76 square feet.

A motion was made by Trustee Jones to approve the variance to allow for the construction of three (3) wall signs with a combined maximum area of 35.76 square feet. Motion seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

**AN ORDINANCE GRANTING A VARIANCE RELATED TO THE HEIGHT OF A BUILDING TO BE CONSTRUCTED UPON CERTAIN PROPERTY COMMONLY KNOWN AS THE GAS CITY DEVELOPMENT LOCATED AT THE EAST CORNER OF THE INTERSECTION OF ILLINOIS ROUTE 53 AND MISSISSIPPI AVENUE WITHIN THE ELWOOD TOWN CENTER SUB-DIVISION**

A motion was made by Trustee Jones to approve An Ordinance Granting a Variance Related to the Height of a Building to be Constructed Upon Certain Property Commonly Known as the Gas City Development Located at the East Corner of the Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center Sub-division. Motion seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 933

**AN ORDINANCE GRANTING CERTAIN VARIANCES RELATED TO THE ERECTION OF SIGNS FOR CERTAIN PROPERTY COMMONLY KNOWN AS THE GAS CITY DEVELOPMENT LOCATED AT THE EAST CORNER OF THE**

**INTERSECTION OF ILLINIOS ROUTE 53 AND MISSISSIPPI AVENUE  
WITHIN THE ELWOOD TOWN CENTER SUBDIVISION**

A motion was made by Trustee Jones to approve An Ordinance Granting Certain Variances Related to the Erection of Signs for Certain Property Commonly Known as the Gas City Development Located at the East Corner of the Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center Subdivision. Motion seconded by Trustee LaPaglia. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 934

**APPLICATION AND PLANNING BOARD RECOMMENDATION FOR FINAL  
SITE PLAN – GAS CITY**

Planning Board recommended approval with the following conditions:

- 1) Final engineering approval
- 2) IDOT right-in and right-out
- 3) Landscaping revision, southeast truck parking
- 4) 1/3 Cost of signals at Route 53
- 5) Sign variances

Combination of \$40,000.00 between Bill Bolker and Gas City for signals. The entire amount of money to be up front.

**AN ORDINANCE APPROVING THE FINAL SITE PLAN FOR THE GAS CITY  
DEVELOPMENT LOCATED AT THE EAST CORNER OF THE INTERSECTION  
OF ILLINOIS ROUTE 53 AND MISSISSIPPI AVENUE WITHIN THE  
ELWOOD TOWN CENTER SUBDIVISION**

A motion was made by Trustee LaPaglia to approve An Ordinance Approving the Final Site Plan for the Gas City Development Located at the East Corner of the Intersection of Illinois Route 53 and Mississippi Avenue Within the Elwood Town Center Subdivision with the following conditions: 1) Final engineering approval, 2) IDOT right-in and right-out, 3) Landscaping revision, southeast truck parking, 4) 1/3 cost of signals at Route 53, 5) Sign variances and 6) the \$40,000.00 between

Bill Bolker and Gas City for signalization. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried. Ordinance 935

## **BOARD REPORTS**

### **PARK AND RECREATION COMMITTEE – Trustee LaPaglia**

Fall and winter classes are being worked on, CPR, First Aid, Defensive Driving and TaiChi.

### **FINANCE COMMITTEE – Trustee Kucera**

Nothing to report

### **PUBLIC WORKS – Trustee Jones**

Busy plowing

### **COMMUNITY EVENTS – Trustee Bernhard**

Nothing to report

## **DEPARTMENT REPORTS**

### **VILLAGE ADMINISTRATOR – Aimee Ingalls**

Nothing to report

### **FINANCE – Nick Narduci**

### **POLICE – Chief Albert**

Nothing to report

### **PUBLIC WORKS – Scott Haywood**

Keeping equipment working and plowing. Calcium chloride added to salt.

EMC – Corey Byington

Bar screen in and was under budget.

**EXECUTIVE SESSION – Litigation**

A motion was made by Trustee LaPaglia to go into Executive Session to discuss litigation. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

A motion was made by Trustee LaPaglia to go back into Open Session. Motion seconded by Trustee Bernhard. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

**ACTION ON ISSUES RAISED THROUGH EXECUTIVE SESSION**

A motion was made by Trustee LaPaglia to grant Village Attorney the authority to negotiate on issues raised during Executive Session regarding the Hartz Construction matter. Motion seconded by Trustee Jones. A voice vote was called: Trustee Bernhard – yes, Trustee Jones – yes, Trustee Kucera – yes, Trustee LaPaglia – yes, Trustee Wagner – yes. Motion carried.

A motion was made by Trustee Bernhard to adjourn meeting. Motion was seconded by Trustee LaPaglia. All voted in favor of motion. Motion carried.

Pat Buchenau  
Village Clerk

