

**CHANNAHON VILLAGE BOARD
COMMITTEE MEETING
DECEMBER 17, 2007**

Village President Joe Cook called the meeting to order at 6:00 p.m. with Trustees Davidson, Nash, McMillin, Slocum, Militello and Greco present.

Also present were Village Administrator Jamie Bowden, Village Attorney Dave Silverman, Finance Director Robert Guess, Police Chief Joe Pena, Director of Public Works Ed Dolezal, Director of Community Development Mike McMahon and Development and Acting Village Clerk Leti Anselme.

COMMUNITY DEVELOPMENT DEPARTMENT

Hunt Subdivision – Final Plat

Director of Community Development Mike McMahon stated that the Five Star Land Company is proposing to subdivide a property located at the northwest corner of Brisbin Road and Bungalow Road.

The proposed subdivision is south of Northfield Block and would create a new lot of 50.57 acres that Northfield Block intends to purchase to expand its current operations. Northfield Block currently operates on 135 acres adjacent to the subject property.

The new lot would retain the existing I-2 zoning and all aspects of the Final Plat conform to Village Code and engineering requirements.

Because the development consists of only one lot and is creating no new roadways, the preliminary plat process is waived. Northfield Block is required to seek site plan approval from the Village Board before expansion occurs.

On December 10, 2007, the Planning and Zoning Commission recommended approval of the Hunt Final Plat of Subdivision.

Staff recommends the Village Board of Trustees approve the Hunt Final Plat of Subdivision, in accordance with the reviewed plans.

Special Use Permit for a Daycare Center

McMahon stated that the applicant, Margaret Loughran, requests a Special Use Permit to open a day care in Mallory Plaza. The subject property is zoned C-2 Community Shopping District, which requires a Special Use Permit for the use of a day care.

The day care facility will be approximately 4000 square feet and take up 3 units of Mallory Plaza. The applicant expects a maximum of 80-85 children with the age group being around 15 months old or toddler age. Currently, eight (8) employees are expected to be on staff, but will be determined by the number of children. Hours of operation will be standard business hours ranging from 6:30 AM to 6 PM.

No site plan is required. Parking requirements are 1 space per employee and will be accommodated on site. A small outside playground area will be provided. Trustee Slocum asked where the playground would be located. McMahan stated that it would be in the back.

On December 10, 2007, the Planning and Zoning Commission held a public hearing and recommended approval of the Ordinance granting of the Day Care Special Use Permit. Two members of the public attended but did not give testimony.

Staff recommends the Village Board of Trustees approve the Ordinance granting a Special Use Permit to Margaret Loughran for the use of a day care facility in a C-2 zoning district at Mallory Plaza.

Trustee McMillin questioned if the parking lot would be able to handle the amount of parents and employees. Margaret Loughran was present and stated that not all parents would be arriving at the same time, which would make the parking lot sufficient.

Riverside Lot 7 and 8 for the Special Use Permit – Site Plan

McMahan stated that Terry Morphew, owner/developer of the Riverside Industrial Park, currently leases out Lots 7 & 8 to Integrated Logistics Group, LLC, which operates a truck terminal facility on the subject property without an approved Site Plan or required Special Use Permit. In order for Integrated Logistics, LLC to continue operating at this site, Mr. Morphew is requesting a Special Use Permit be granted and approval of a site plan for the use of a truck terminal.

The subject property is a combined size of over 20 acres and is situated at the end of the Riverside Drive cul-de-sac. A 14,440 square foot building currently exists on Lot 7 with a large concrete pad behind it that houses the school districts' buses and other vehicles.

The truck terminal operation will access the site off of an existing apron on Lot 8. The facility will continue to operate at its current level of about 150 trucks (or 300 trips) per day.

The granting of the proposed "truck terminal" Special Use Permit does not allow the applicant or any users/lessees of the subject property the right of container storage or container stacking.

On December 10, 2007, the Planning and Zoning Commission held a public hearing and recommended approval of the Riverside Lot 7 & 8 Site Plan and the Special Use Permit. The Commission also recommended the Village Board add a condition stating that all cargo containers shall be removed from the ground within 30 days of the approval.

McMahan stated that staff recommends the Village Board of Trustees approve the Ordinance granting a Special Use Permit for the use of a truck terminal at Riverside Industrial Park Lot 7 & 8, in accordance with the reviewed plans, conditioned on the following:

1. The storage or stacking of Cargo Containers on the ground off of truck chassis is prohibited per Village Code of Ordinance sec. 156.030.
2. The parking of semi-trucks, trailers or chassis is limited to 300.

3. If the Village Board of Trustees modifies, eliminates or replaces Village Code of Ordinance sec. 156.030, the owner of the property must request to repeal or modify this Special Use Permit.
4. The site shall be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk.
5. All improvements shall conform to local ordinances and the building code.

Staff recommends the Village Board of Trustees approve the Riverside Industrial Park Lot 7 & 8 Site Plan, in accordance with the reviewed plans.

Attorney Ken Carlson was present and stated that Terry Morphew, the owner, understands the conditions.

Trustee Nash had a concern since Mr. Morphew has not been in compliance because of the cargo containers. She stated that why should the Village Board allow this when he has been out of compliance for ten months. Her question to staff was why should this continue without being in compliance and without a special use permit.

Bowden stated that this action would bring Mr. Morphew in compliance with the truck terminal. He has been put on notice that the cargo containers are not allowed. There have been discussions with the attorney to possibly tax the cargo containers or meeting with the developer to leverage a development fee due to the storage containers. Bowden stated that if that is the direction that the Board would like to go, then the ordinance will need to be amended to allow the use.

Attorney Silverman stated that the storage containers could be taxed. Home rule has the authority to do this tax and it should be backed up with an agreement with the developer. The next questions would be how much would the tax be. The tax that the Board imposes needs to be something that is reasonable to the industry and could be paid.

Trustee McMillin asked where that the tax money would be directed to. Bowden stated that it could go to the Village's road improvement projects.

President Cook stated that there are a couple issues. One being that this site needs to get into compliance. Second issue is the cargo containers. The Village Board will need to decide whether or not this site is the right site or not. It would need to be decided if this is the right location for that. It could be a revenue fund to help with the roads.

Trustee Nash asked if cargo containers were allowed on the property before. Bowden stated that no. Trustee Nash then asked if there were any penalties for ten months of non-compliance. McMahan stated no, but it was being monitored, recorded, documented and they were notified. It has not gone into full enforcement, with the thought of possibly changing the ordinance within the following months, and then possibly losing the revenue on taxing the cargo containers. Trustee Nash's concern was that the ordinance was not enforced for ten months.

Bowden stated that staff needs direction on whether or not the Village Board wants this property pursued as a location for storage containers and pursue the tax, otherwise staff will proceed with

enforcement. Trustee Nash stated that she is fine with what staff is proposing but she is upset with the additional 30 days for Mr. Morpew to remove the containers.

McMahon stated that he is looking for the Board to approve the site plan and special use permit this meeting.

Attorney Silverman asked if Mr. Morpew would be removing the cargo containers within 30 days. Attorney Carlson stated that the 30 days is practical issue from a business, a minimum. If that is what the Board is directing that is what will be done. He stated that his hope is that a development agreement be put in place to legitimize the cargo container use.

Trustee Militello stated that staff was aware for these ten months that Mr. Morpew was in compliance, her questions was he ever informed to remove the cargo containers. McMahon stated that he was put on notice that he was in violation of the code. He was not specifically informed to remove them. Trustee Militello stated that everyone is at fault.

President Cook stated that everyone was working with the owner and business to try to structure a possible change in the ordinance.

Trustee McMillin had a concern that what is going to happen if this occurs in another part of town. McMahon stated if he is given direction from the Board to enforce the code it will not happen.

McMahon stated that the site plan be brought up to current code and the condition to re-enforce that cargo containers cannot be stored there.

President Cook asked each Board member what their thoughts were on the issues.

Trustee Greco stated that Mr. Morpew was in compliance and staff was also at fault. Staff does try to work with the owners of the property.

Trustee Militello and Slocum both felt that staff continue working with the owners and felt it would be fine to have the cargo containers stay if an agreement is being worked on to change the ordinance.

Trustee McMillin stated that the Board needs to focus on taxing these cargo containers.

Trustee Davidson abstained.

President Cook stated that the Board knew where Trustee Nash stood on this issue.

Route 6/I-55 Interchange

McMahon stated that in September 2006, the Village of Channahon commissioned Strand Associates to prepare a traffic study for the Route 6 and I-55 interchange factoring in nearly 1,000 acres of nearby vacant and potentially developable properties.

McMahon stated that a decision needs to be made if development fees will be assigned to the vacant and potential industrial sites by Route 6 and I-55. Strand is looking at a total of \$33.5 million dollars to build an interchange. Strand came up with three scenarios to capture the \$33.5 million:

- Assess future developments \$345 per forecasted daily trip.
- Assess future developments \$3,939 per forecasted PM peak-hour trip.
- Assess future developments \$29,919 per acre.

When staff is meeting with developers, it is the intent that with these properties and developments, directly at that interchange, that can realign the frontage roads.

McMahon stated that staff is seeking direction from the Board for when annexation agreements and development agreements are being produced, what development fee contribution amount they would agree on.

Bowden stated that staff would just like the ability to try to negotiate something based on a reasonable impact that would contribute to the interchange. This is a \$33 million project. Trying to get the first one in the door to get the development going and contribute to the infrastructure.

Pilot

McMahon stated that Pilot Travel Centers is proposing to buy the existing Citgo at 23901 W. Eames. Pilot's initial plan was to add three diesel stalls, shower rooms, laundry facilities, and one fast food restaurant (currently proposed as a Subway), remodel the façade of the building, and make improvements to the site.

Staff concluded this plan would turn the facility into a truck stop which is prohibited in the C-3 zoning district. This plan would also require Pilot to obtain Site Plan approval from the Village Board and require the property to be rezoned to I-1 zoning with a Special Use Permit for the use as a truck stop. In 2004, the current owner was allowed to operate the facility adding diesel fuel stalls in the C-3 zoning district based on the assumption that sale of diesel fuel to trucks was incidental to the business of selling gasoline or diesel fuel to passenger vehicles.

Pilot has since submitted building plans that will simply remodel the building without adding those features that would make it a truck stop.

Staff has analyzed the current site, the surrounding road network, future developments in the area, and the potential of the realignment of the frontage road. Pilot has indicated they will work with the Village in the future on making site plan changes in order to better manage traffic both on and off-site. Upon such time, the staff is proposing the following improvements be made by Pilot:

1. Assist in realigning the Frontage Road with signalization.
2. Provide an ingress/egress to the newly relocated Frontage Road acting as the only exit for truck traffic.
3. Add a second eastbound lane on Route 6.
4. Widen or shift the eastern entrance further east to improve truck movements.

5. Move the diesel fuel island to the rear of the lot.
6. The west entrance be turned into a right-in-right-out or vacated.

Citgo generates approximately \$38,000 in fuel sales tax revenue for the Village annually. Pilot, with its national accounts, estimates the sale of fuel would increase to 780,000 gallons per month. This equates to \$93,600 of fuel sales tax revenue for the Village annually.

Staff is looking for consensus based on the following:

1. Allow the remodeling of the building with no site improvements while operating under the current C-3 zoning; and
2. Negotiate a redevelopment agreement based on the improvements listed above and rezone the property to I-1 under a Special Use Permit.

President Cook asked how this would affect overnight parking. McMahan stated that it is not allowed, but it is difficult to enforce it. At one point the owner was charging a fee, which the police department informed us about. The owner has been put on notice. Pilot is interested in overnight parking.

President Cook questioned if the Village could have them update the outside to the new Route 6 standards. McMahan stated that there will be some remodeling and minor outside work, which would consist of painting and signage. Attorney Silverman stated that interior doesn't have to go before the Board.

McMahan stated that if Pilot purchases this piece of property, once their national accounts trucking firms start coming in, there will be a lot of trucks. If these trucks start to back up on Route 6 it then becomes a safety issue.

Trustee Slocum stated that he does not want a truck stop nor does he feel that the Channahon residents want it either. He would like to keep it the size it is. If Pilot states that if they purchase the property, he would like it in writing that they will contribute to the interchange sometime in the future.

President Cook stated that the issue is that they are not expanding the site, so it will not come through to the Board. The amount of trucks that come through is going to be the difference. Trustee Militello stated that if a site plan were to come through, then the Board would have some control.

FINANCE DEPARTMENT

Resolution for Bond Obligation Retirement for the Illinois Department of Transportation

Finance Director Bob Guess stated that the Village of Channahon issued \$2,900,000.00 in bonds for the Village Road Improvement Plan in 2000 and these bonds are being repaid with MFT Funds. Annually, we need to report to the Illinois Department of Transportation the amount of Bonds to be retired and the corresponding interest.

Revised Estimated 2007 EAV & Levy

Guess stated that the Will County estimate increased by 7,579,142 for a total of \$347,048,425. He then went over the spreadsheets with the Board (see attached).

POLICE DEPARTMENT

No Formal Items for Discussion.

PUBLIC WORKS DEPARTMENT

Brisbin/Bungalow Road Change Order

Director of Public Works Ed Dolezal stated that the change order is due to the need to bore under existing gas pipelines as opposed to trenching as originally designed. It was learned that the pipelines were installed as temporary, the stress of open trenching around them is deemed unsafe.

Staff is requesting a motion to approve Change Order 1 to the Brisbin/Bungalow Project contract in the amount of \$13,050.00

2007 MFT Pavement Rehabilitation Change Order

Dolezal stated that this project took place in the Fairhaven Heights and Rolling Acres subdivisions. There were field adjustments and clerical calculations, which resulted in additional quantities of materials. These changes generate a net increase of \$7,955.15 from the original contract cost of \$442,228.32, bringing it to \$450,183.47.

Staff is requesting a motion to approve Change Orders 1, 2 and 3 to the 2007 MFT Pavement Rehabilitation Contract with PT Ferro Construction in the amount of \$7,955.15.

2007 Various Pavement Patching Change Order

Dolezal stated that there were field modifications and changes in conditions which have resulted in reduced quantities of R&R Unsuitable Material and Type III Patching and additional quantities of Type II and Type III patching. These changes generate a net increase of \$9,045.00 from the original contract cost of \$98,620.00, bringing it to \$107,665.00.

Staff is requesting a motion to approve Change Order #1 to the 2007 Various Pavement Patching project with PT Ferro Construction in the amount of \$9,045.00.

2007 Ridge Road and Highland Drive Reconstruction Change Order

Dolezal stated that field changes and site modifications have resulted in an increase in quantities of pulverization, binder and surface course, curb and gutter, shotcrete curb and thermoplastic, but there was a reduction in quantities for stabilization, curb cut, restoration, shoulders and erosion barrier. These changes generate a net decrease of \$12,443.80 from the original contract amount of \$419,170.80, bringing it to \$406,727.00.

Staff is requesting a motion to approve Change Order #1 to the 2007 Ridge Road and Highland Drive Reconstruction project with PT Ferro Construction, in the deduct amount of \$12,443.80, for a final contract value of \$406,727.00.

McKinley Oaks Unit 4 – Improvement Completion Guarantee Reduction for Step 4

Dolezal stated that in accordance with Subdivision and Development Regulations, the developer has requested that Step 4 improvement guarantees be reduced from \$88,308 to \$17,661. This equals the maximum allowable reduction to 20% of the original guarantee. Staff has inspected improvements and confirms they are not less than 95% complete and have passed required testing.

Staff is requesting a motion to reduce McKinley Oaks, Unit 4 Subdivision's Improvement Completion Guarantee for Step 4 from \$88,308 to \$17,661.

ADMINISTRATION

Purchase of a Portable Truck Scale

Village Administrator Jamie Bowden stated that there have been discussions in the past in regards to purchasing a portable truck scale. It has recently been looked at more closely due to the fact of investing \$2.5 million into Brisbin and Bungalow Road.

Chief Doster, Lieutenant Fischer and Officer Bischoff recently sat down and discussed logistics. Officer Bischoff is currently certified in the operation of the equipment.

Abacus Scales & Systems has quoted us a cost of \$12,739 if both Braidwood and Channahon purchase together. Bowden stated that he is recommending an approval from the Board for \$13,339, due to the fact that Braidwood may not obtain their approval to purchase the scale. There was some confusion on the price.

Minutes Submitted by
Leticia Anselme
Acting Village Clerk