Posted 8/24/18 @ 1:00pm

CITY OF BRAIDWOOD AGENDA
Regular Meeting, Tuesday August 28, 2018 @ 7:00pm

Call to Order
Pledge of Allegiance
Roll Call
Public Comment **(Comments are limited to no more than 3 minutes per Sect. 2-34(b) of the City's Code of Ord.)**

APPROVAL OF MINUTES -August 14, 2018

REPORTS BY CITY OFFICIALS
Mayor-

Administrator-

Clerk-

Engineer-Braidwood 2018 MFT Phase 2: Pay Estimate #1, $249,396.03 to Austin Tyler Const.

City Attorney-Ordinance 18-15, Granting Lot Split, Rezoning & Special Use Permit for Property Located at 880, EZ Street, Braidwood IL
-Ordinance 18-16, Amending Chapter 23-Zoning

REPORTS BY CITY COMMISSIONERS
Accounts and Finances-Approve Payment of Bills
-Approve Payroll Expenses

Streets & Public Improvements-

Public Property- Awarding of Bid for South Walker Street Watermain Project

Public Health & Safety-

Planning & Zoning-Recommendations by Zoning Board for (2) Public Hearings on 8/6 & 8/20:
-Ordinance 18-17, Granting Special Use Permit for Property at 860 EZ Street
-Resolution 18-18, Adopting Recommendations of Plan Commission to Deny the Application to Rezone from R1 to B1 Property Located at NW Corner of Walker & Main Streets or Ordinance 18-18, Rezoning Property Located at NW Corner of Walker & Main Streets

Executive Session-Discuss Personnel, Pending and/or Imminent Litigation, Collective Bargaining/Labor Relations, Land Acquisition or Review of Closed Session Minutes.
-Actions to be taken following Executive Session:

Old Business

New Business

Adjournment

CITY OF BRAIDWOOD
City Council Regular Meeting Minutes
Tuesday August 28, 2018

Call to Order
Mayor Vehrs called the meeting to order at 7:00pm.

Pledge of Allegiance
Mayor Vehrs asked Jay Muzzarelli to lead us in the Pledge of Allegiance.

Roll Call
Elected Officials present: Commissioner Hibler, Commissioner Hutton, Commissioner Smith Commissioner Tessler and Mayor Vehrs were present.
Appointed officials present: City Attorney Kopman, City Clerk Sue Grygiel, Chief Nick Ficarello, City Administrator Don Labriola and City Engineer Todd Gereaux were present.

At this time Mayor Vehrs asked the Muzzarelli Family to come up. The Mayor explained that over the last few months he's been working with the family to honor their father who was a business owner here in town for 50 yrs. The city has put a bench in honor of their father in front of the Barber Shop as Jay and his dad sat out in front of the shop all the time. The original idea was to put an outdoor plaque of some type on the bench but nobody could guarantee the life of the outdoor plaque for more than a year. The Mayor asked for a picture of their father and they gave him their parents wedding picture. At this time the Mayor presented his family with a plaque honoring "Muzzy" which read "In memory of Joe "Muzzy" Muzzarelli Braidwood's Beloved Barber from 1959 to 2018 was the Barber in Braidwood for 50 yrs. The Mayor said Muzzy had a gift to express his thoughts. The Mayor said the city is proud to have them continue with the Barber Shop their father had started here. The people surrounding Altiery's property are here tonight to deal with the proposed zoning change.

Public Comment
Opened at 7:05pm.
Charlie Boyd, 390 W. Main St. Charlie addressed the council regarding the Rezoning of property located at the NW corner of Main and Walker Streets, Altiery's property that is on the Agenda for tonight. This property is directly across from his home. Charlie said our concern is not related to us backing any Mayor's. Charlie said at the Zoning Board meeting it sounded like one person was trying to jump in and make it a political stand and we are not here to back anyone politically. Everyone understands he wants to make this a business but once he builds the business and leaves like he did on Front St. which may or may not been sold. Question is how long is he going to be there and when he's gone what's this business going to be. The properties around Altiery's property is 99% residential. Yes he says he wants to make it look like residential but when you have a parking lot in front and kids coming across he's going to have to put a sidewalk in on that side and ADA compliant. Charlie said there are other lots he could build this on especially on lots on Reed Rd, there are lots down Main St. and there's a bigger lot owned by the Dillon Family so why don't we fill the vacant spots in the business areas vs. putting them in a residential area.
Buddy (Al Cromp), 336 W. Main St. Buddy said he's within a half of a block of this zoning change. He said he's not in favor of any business down in his neighborhood. With the Fire Department, the Church and Post Office there's too much traffic now. His question to the council is the Zoning Board turned this change down and asked why are we here? Doesn't the council accept what the Zoning Board recommends and if that's the case why do we need a Zoning Board?

Beau Schultz, 409 W. Main St. Beau lives directly across the road from Altiery's property. He said when he bought his house about 6 yrs. ago he wanted to buy the property across the road and put up a garage there bricking up half the sides. He said he was told there was no way that a garage can go there because it has to be commercial and couldn't get permitted for it to be commercial. Otherwise 6yrs. ago he would have bought that lot and put a 4-car garage there. He said he was told there was no way that would pass the Zoning Board, it could not be done no matter how much money he spent or how pretty he made it. So if 6 yrs. ago he couldn't purchase that property and make it commercial how is it someone is coming in now to put something in. Beau said he has six kids in house under the age of 13 and every day there's at least 1-3 kids almost being hit there and that there has to be a squad car on that corner watching them because of the people driving erratically and texting while driving. He said he's had to replace (3) bikes so far this school year, not even 2 months, because people are tapping the back of the bikes. So if we double the traffic how many kids are going to get hit, bikes smashed or even get killed. He's had a bike hit twice by the same parent and hasn't filed a complaint with the city yet and hopes he doesn't have to.

Judy Buentipo, 428 W. Main St. Judy said a residential area should be a residential area. She's been in Braidwood for 41 yrs. and raised her children here. If people go out to buy a home they don't want to be next to a business. If they do then they're probably owning the business. She cited that Comm. Tessler is building a home for his family and is sure he's in a nice residential area, and he would be upset if a business went up next to his new home. The exception in residential is down by the Post Office, the Fire Department which have been here forever and a day and just hopes that the city council take that into consideration.

Bill Rulien, 187 E. Main St. He wanted to talk about the misconceptions in TIF 3. When was on the city council when we established TIF3 we had some concerns with the school district of course, one of the major Taxing Bodies. They came to the city and Bill said it was about $10,000 to educate each child for 1yr. The school said if you bring in subsidized residential housing it hurts the schools because 2-3 children come out of one house and the school is getting about ½ of that tax bill on a $200,000 house that's probably about $3,000 so that means they take about $1,500 out which doesn't come close to educating those children. So because of those concerns he said they didn't want to hurt our schools because our schools, the Fire Department and our Library are the main features to move to Braidwood to begin with. That's why people move here because we have great schools, updated Library and a big Fire Department. So the council made a deal with them and when we established TIF3 that instead of the money going to the TIF, none of the lots in Townes of Braidwood are in TIF3; the streets are in TIF3 but not the lots. So no money goes into the TIF from the lots in Townes of Braidwood.

Kay Heberer, 355 W. Main St. Kay said she agreed with everyone else on the property on West Main & Walker St. They no longer have small children but do watch the small children pass their house every day when school is in session. She said they would hate to see more traffic in that area and it's hard to get out of their driveway now.

Naomi Bergman, 116 N. Walker St. She said she's the home right next to the empty lot owned by Tony Altiery. The property line where they want to build is exactly 10 ft. from both bedroom windows. She said she knows he said it would be like 30 ft. away from the property line where a dumpster would go, right next to her windows. She said she bought her house as a single mom and it was a lot for her for she and her kids. She said she knows that if she goes to sell her house in 5 yrs., after raising the property value of her house in the last 5 yrs., all that work and effort she put into her home and with his business right next to her the property value will drop! She said she also knows that he owns property on Reed Road at I55. She has seen pictures of what he wants to build and would look so much nicer on Reed Road, pulling more people in that area of the hotels with more attractive buildings. Naomi said she works and can't drive her kids to school so they have to walk across Main St. She hopes the council will turn this down and have a house built there instead.

Tony Altiery, 494 W. Kennedy Rd. Tony said he tried to address all the issues from the Zoning meeting. He said the issue with accidents, maybe they have and maybe they don't. Tony said he FOIA'd all the accident reports with children and there are none. Tony said he sat at that corner for 10 days, morning and afternoon and said there are (4) kids that walk that street and they do walk on the sidewalk side then they

walk down School St. side where they're designated to do. He said he also put employees at (3) different Real Estate Offices; Wilmington, Braidwood and Coal City to see the average traffic count coming through there. He said that everyone's saying the traffic flow is going to double and triple, but there's an average of less than one vehicle per hour that goes in and out at the Real Estate Office. They're out at houses to look at and not at the office talking about it. Tony said on the side by Judy Buentipo from his business to her actual house is over 40ft. The garage is there but the actual house is on the other end so we're not on top of her house. It's a 9-5 business

Lana Cromp, 336 W. Main St. Her question is out of those people that Tony said had signed those papers, if none of us in the neighborhood signed then who are these people that signed. She said it doesn't matter if you lived way over on Lincoln or over somewhere on Division, it's not going to affect like it's going to affect us. Lana said she would like to see how many of those 33 people really live close to where this would affect and how many of these people are owners of their property. If there are people who signed this list and are renters they don't count. She then asked the council to please really consider this because this will affect all of our properties.

Bobby Jones, 551 W. Kennedy Rd. Bobby's question is with Code Enforcement. Why is it that some people have weeds that are 7 ft. tall in their backyard while others can't. He said there are (5) lots on his subdivision where the weeds are over 7 ft. tall right now. He's talked to Code Enforcement and they can't do anything because it's in the backyard, how does that work? Bobby's backyard is his front yard because he's on the lake. He questioned why would someone buy a piece of property and not be able to see the lake from their house or see the house from the lake and still can't understand why we keep letting it go. Comm. Tessler said he will address this under his report. Comm. Tessler asked Bobby to give him addresses and he will send someone out there. The commissioners opinion is that a lake is a different story. Bobby said this issue deters bringing people in to purchase property when they question why does that property look like that. Said this has been going on for many years, as long as that subdivision has been there. Bobby then brought up the cloverleaf issue that he's addressed in prior meetings. He asked have we just given up on that? The Mayor said he met with IDOT in Springfield and they told him they're only cutting 20 ft. The District in Gardner are going to be coming up here and cut. Bobby said they're only doing half. Mayor said Springfield told him they planted all these wild flowers to protect the monarch butterfly. Bobby said he doesn't believe that. The Mayor told Bobby he will give him the man's number who he spoke with and call him. Mayor said he also couldn't believe what he told him as well.
Closed at 7:23pm.

Approval of Minutes

Comm. Hutton made a motion to approve the Regular Meeting Minutes of August 14, 2018, seconded by Comm. Hibler. Motion approved 5 ayes, 0 nays (Hutton, Hibler, Smith, Tessler & Mayor Vehrs).

REPORTS BY CITY OFFICIALS

Mayor

The Mayor advised everyone that the city is starting something new with the Braidwood Area Healthy Community Coalition, an Old Fashioned Family Day. This will be on Saturday, September 22nd from 1-3pm at the city park under the Lions Pavilion. There will be hot dogs, hamburgers, chips and games for families. The city will also be handing out pumpkins that day in place of our Scarecrow Fest. We aren't doing the Fest this year because the individual that's been handling Scarecrow Fest has been having some health issues and were asking for volunteers and nobody wanted to step up. So we are combining the pumpkin give away (one per family) with the Old Fashioned Family Day event.

Administrator

Nothing to Report.

City Clerk

Nothing to Report.

Engineer
City Engineer Todd Gereaux addressed his Agenda item regarding the 2018 MFT Phase 2 Pay Estimate #1 to Austin Tyler. They recommend a payment to them in the amount of $249,396.03 and we are retaining 10% until they complete some minor restoration work that totals $27,710.00.
Comm. Smith made a motion to approve 2018 MFT Phase 2 Pay Estimate #1 to Austin Tyler in the amount of $249,396.03, seconded by Comm. Hutton. Motion approved 5 ayes, 0 nays (Smith, Hutton, Hibler, Tessler & Mayor Vehrs).

City Attorney
Atty. Kopman addressed his Agenda items. First Ordinance 18-15, Granting Lot Split, Rezoning and Special Use Permit for property in Favero's Subdivision located at 880 EZ Street, Braidwood. This was approved by the city council at the last meeting and this ordinance affirms what the council voted on at the last meeting.
Comm. Tessler made a motion to adopt Ordinance 18-15, Granting a Lot Split, Rezoning and a Special Use Permit for property located at 880 EZ Street in Favero's Subdivision, seconded by Comm. Hutton. Motion approved 5 ayes, 0 nays (Tessler, Hutton, Hibler, Smith & Mayor Vehrs).
Atty. Kopman then addressed a Draft Ordinance 18-16, where the attorney was recently contacted by an attorney on behalf of a property owner who had some questions about a non-conforming use whether or not it's still legal. After much conversation and some research it turns out that the property is just fine and is legal under city ordinances and its non-conforming use is grandfathered in. But in reviewing the ordinance, an item which is typically in such ordinances would provide a non-conforming use would cease when the current owners sells the property to another owner which is pretty common and typical in these ordinances. This Draft Ordinance 18-16 does that and was brought to council just for review at this point and going to ask the Zoning Board to review it also and get their thoughts as well.

REPORTS BY CITY COMMISSIONERS

Accounts & Finances
Comm. Hibler made a motion to pay the total bills due on our Check Register in the amount of $414,232.96, seconded by Comm. Smith. Motion approved with 5 ayes, 0 nays (Hibler, Smith, Hutton, Tessler & Mayor Vehrs).

Comm. Hibler made a motion to approve the Payroll Expenses in the amount of $132,932.18, seconded by Comm. Smith. Motion approved 5 ayes, 0 nays (Hibler, Smith, Hutton, Tessler & Mayor Vehrs).

Streets & Public Improvements
Comm. Smith said he's really proud of the amount of streets they were able to get done this year with MFT and they weren't tar and chipped! Now they've been able to get the grass mowing down with all the rain back and forth. Comm. Smith said he still has First St. to take care of and if the weather holds up he'll be able to finish what he promised. Again he said he was glad to see all those streets fixed.

Public Property
Comm. Hutton requested to Table his Agenda item, the Awarding of Bid for South Walker Street Water Main Project because they ran into a change in procedure with utilities. The utilities are staggered across the roadway so it's a dilemma on how to get under them without destroying the street so looking into options on how to approach.
Comm. Hutton made a motion to Table the Bid for Awarding the South Walker St. Water Main Project, seconded by Comm. Hibler. Motion approved 5 ayes, 0 nays (Hutton, Hibler, Smith, Tessler & Mayor Vehrs).
Comm. Hutton then gave the Plant Crews Report; reinstalled repaired Lift Station pumps in Pheasant Run and Shadow Lakes, rebuilt pipe valves and check valves in Shadow Lakes Lift Station, CES was here

testing Alarm panel at the Plant, Water Well was here pulling Well#1for repairs and brought a new water pump, checked the valves out, put it together and put in the well for test run and the pump is drawing too many amps. Brought another new pump back, put it back in the well this morning and still drawing 95 amps on low gallonage so they will be back tomorrow to pull it out again, did some repairs in the Headworks Building, continue making sludge and cleaning (6) drying beds and fill again.
Then read Outside Crews Report; 34 locates, 1 sewer repair, 3 sewer inspections, 2 water repairs, 2 water inspections, 10 meter repairs, 41 meter reads, 3 shut-offs and repaired (2) buffalo boxes.

Public Health & Safety
Comm. Tessler gave the numbers report provided by the Chief from 8/14/18-8/28/18. Their total calls for service were 233. Comm. Tessler asked Bobby Jones for a list of addresses with tall weeds and he will do something about them. We had a major issue with a house on that road and if we dealt with him that way, we need to deal with everyone that way, keeping consistency. The commissioner said in his opinion on a lake it does differ and agrees with Bobby Jones and apologized for any road block you ran into. He then addressed the cloverleaf and said he could talk with Comm. Smith and make sure the sight lines are at least cleared and safe.

Planning & Zoning
Zoning Chair Michelle Serena approached the city council with the Zoning Boards recommendations from Special Public Hearing that was held on August 20th Requesting a Special Use Permit for Warren's Collision at 860 EZ Street. This Permit would allow for motor vehicle painting and body work. The Zoning Board held their meeting and Warren and Mr. Hutton were the only ones in attendance. The Zoning Board had no comments on this request so it was a unanimous vote to approve the Special Use Permit to allow for motor vehicle painting and body work at 860 EZ Street.

The next recommendation is from the Zoning Boards August 6th Public Hearing for the Tony Altiery property at Walker St. & Main St. He's requesting to Rezone his property from R1 to B1. Everyone has a copy of the packet with all the comments that were made during that meeting. During the Public Hearing a lot of public comments were made as well as several comments made by the Board members themselves. After consideration the Zoning Board recommends that the city council to not approve the Zoning request to Rezone the property at the corner of Walker St. & Main St. and the vote was unanimous by Zoning Board members in attendance.

Zoning Chair advised their next Meeting will be on September 10th as the 3rd is a Holiday.

Comm. Smith made a motion to approve Ordinance 18-17, Granting a Special Use Permit for Warrens Collision at 860 EZ Street for motor vehicle painting and body work, seconded by Comm. Hutton. Motion approved 5 ayes, 0 nays (Smith, Hutton, Hibler, Tessler & Mayor Vehrs).

Next up for vote and discussion is the Rezoning of the Altiery property at Walker & Main Streets from Residential to B1-Business. The Zoning Boards recommendation was for the city to deny the request. The Mayor then asked for any comments, concerns from the city council.

Comm. Smith said he is all for the safety of kids and we do need business in our town to help bring down our property taxes. He said if Tony can bring in an Eye Dr. or a Dentist he's all for it. He said he's all for business and we need all we can get. Comm. Smith said he's always thought that Main Street was designed for business and would like to see more businesses here himself. Comm. Tessler thanked everyone for coming out and expressing their concern over this Rezoning issue. Comm. Tessler said to be honest he see's both sides; building he's proposing is a nice building, going to look nice and he is correct on the zoning The parking spots, the pathway for kids getting to school which he has given facts which the

commissioner looked over and they support his plan. Obviously there's been an outcry and it does affect the immediate people. Comm. Tessler said the city needs to do a better job of looking at facts and not just personal gain and Comm. Smith agreed. Charlies question was a simple one you don't know what could go in there. Commissioner said the Church's, the Post Office, etc. produces traffic. He said that Cindy's Custom Clips down the street is the closest to a residential home that he's ever seen. Comm. Tessler said his gut feeling is that this is not a good place for that business but should not be going off personal reasons when making these types of decisions. Comm. Tessler said he didn't take to kindly to the comments he made at the Zoning meeting that the houses around your business aren't going to be as nice. That's partially true because you're building new around an established residential area. The Mayor said he was at the meeting and met all the residents there, sat through it same as here tonight. He said he's all for business and we've been pounding the streets almost every day trying to get business into our town, sometimes it works and sometimes it doesn't. Once we get something going out on our corridor it will attract more businesses into Braidwood. We have to get our business district downtown built up as it should be as well as working on our corridors. The Mayor then said if Mr. Altiery wants to put a home up over there he sees no reason why he couldn't. The Mayor then said he's going to have to vote no on this Rezoning and will put it out to a vote by the city council. The Mayor asked if anyone had any further discussion. Atty. Kopman addressed the council with (2) options on the Agenda tonight regarding this Rezoning. Resolution 18-18 which adopts the recommendations by the Zoning Board to Deny the Application to Rezone from R1-B1on property at NW corner of Walker & Main St. If members of the council agree with the Zoning Board to deny then Resolution 18-18 should be passed. The alternative is to Rezone the property as requested from R1-B1and that would be Ordinance 18-18, so whomever makes the motion needs to pick the Resolution to Deny or the Ordinance to approve the Rezoning and can vote on each one if you would want to.
Mayor Vehrs chose to start with Resolution 18-18 which adopts the Zoning Boards recommendation to Deny the Rezoning. Comm. Tessler made a motion to adopt Resolution 18-18, seconded by Comm. Hibler. Motion approved 4 ayes, (Tessler, Hibler, Smith & Mayor Vehrs) 1 nay (Hutton).

Closed Session
No request made for Closed Session.

Old Business
Nothing to Report.

New Business
Nothing to Report.

Adjournment
Comm. Tessler made motion to adjourn the Regular Meeting at 7:58pm, seconded by Comm. Hutton. Motion approved with 5 ayes, 0 nays (Tessler, Hutton, Hibler, Smith & Mayor Vehrs).

Approved this 11th day of September 2018

J Vehrs Mayor

Sue Gryzgil City Clerk

AYES: 4
NAYS: 0
ABSENT: 1
ABSTAIN: 0