

REGULAR MEETING OF THE VILLAGE BOARD MINUTES: DECEMBER 2, 2019

The Regular Meeting of the New Baden Village Board met Monday, December 2, 2019, at New Baden Village Hall, 1 East Hanover Street. Mayor Picard called the meeting to order at 7:00 pm.

**Present and answering to roll call:** Mayor Christy Picard; Trustees Bob Oster, Taylor Zurliene, Randy Joe Linthicum, Nicole Pederson, Tom Kuhn, and Chris Locke. **Absent:** None. **Staff Members Present:** Village Clerk Teri Crane; Village Administrator Erika Kennett; Attorney Doug Gruenke of Bruckert, Gruenke & Long, P.C.; Chief of Police Chuck Mackin; Commissioner of Public Works Ronald V. Renth; EMS Director Allen Gilbert; and Chief Building & Zoning Official Jerry Green. **Staff Members Absent:** Treasurer Casey Pierce.

Fiscal Year 2018-2019 Audit Review

Kevin Tepen of C.J. Schlosser & Company, LLC, was present to review the Fiscal Year 2018-2019 Audit Report.

Doug & Tricia Billhartz

Doug & Tricia Billhartz, 204 W Cedar St, were present to discuss an issue in their driveway; their driveway is right off of an alley. A neighbor had some sewer work done and the excavation company did not return the ground to its original conditions, leaving a pile of dirt on the Billhartz property. They were directed by Attorney Gruenke and Mayor Picard to contact the excavation company to see about returning the ground to the original condition.

Consent Agenda

A motion was made by Trustee Zurliene and seconded by Trustee Oster to approve the Consent Agenda, which includes the of payment of current invoices. The minutes from the November 4, 2019, Regular Meeting, and the November 27, 2019, Special Meeting, will be approved at the next regular meeting. The Regular Meeting on November 18 was canceled due to lack of quorum.

**Ayes:** Oster, Zurliene, Linthicum, Pederson, Kuhn, Locke.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

Administrative Review: Zoning Hearing Officer Decision

At the November 4, 2019, Board members authorized Administrative Review of the following: A Zoning Hearing was on October 24, 2019, to discuss a variance request from Don Schomaker of SDS Stores, Inc., who operates the Kokomo Joe convenience store, regarding the Fence Height at 409 E Hanover St. Zoning Hearing Officer Van-Lear Eckert recommended to deny the request for the four (4) foot fence installed. Mr. Eckert stated the building permit was issued based on the construction documents. The construction of the four (4) foot fence was a deviation from the submitted and approved plants and should have been resubmitted for approval. Mr. Eckert states in the Decision that with the denial of the variance request, Mr. Schomaker shall adhere to the building plans as submitted and construct an eight (8) foot fence along the west property line.

Board members discussed to either approve the Zoning Hearing Officers Decision or to overturn the decision and grant the variance for fence height. The consensus of the Board was to grant the variance. Mayor Picard allowed Peggy Ogden, 403 E Hanover St, to voice her concerns: there is a lack of privacy to her property because of the existing fence height and the lights from the business shine into her home. Ms. Ogden inquired on appealing the Boards decision. Attorney Gruenke said there was no further appeal process. Ms. Ogden was informed that if she is not happy with the decision, it is a civil matter and her course of action would be to seek legal counsel.

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Administrative  
Review: Zoning  
Hearing Officer  
Decision, cont.

A motion was made by Trustee Oster and seconded by Trustee Locke to overturn the Decision of the Zoning Hearing Officer's October 24, 2019, Zoning Hearing in regards Fence Height for Kokomo Joes convenience store at 409 E Hanover St and grant the variance request to allow the fence height to be as installed.

**Ayes:** Oster, Linthicum, Pederson, Kuhn, Locke.

**Nays:** Zurliene.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

Ordinance 2019-12-  
02-A: Amending  
Chapter 27 of the  
Village Code by the  
Addition of Article XI  
Relating to the Use of  
Cannabis

A motion was made by Trustee Oster and seconded by Trustee Zurliene to pass Ordinance 2019-12-02-A: Amending Chapter 27 of the Village Code by the Addition of Article XI Relating to the Use of Cannabis. Attorney Gruenke explained that this Ordinance addresses only the "use" of cannabis within the Village Limits; a future Ordinance will address the Zoning to allow cannabis related businesses.

**Ayes:** Zurliene, Linthicum, Pederson, Kuhn.

**Nays:** Oster, Locke.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

Ordinance 2019-12-  
02-B: Amending the  
Municipal Code of the  
Village by the  
Addition of Article III  
of Chapter 36  
Imposing a Municipal  
Cannabis Retailers  
Occupation Tax

A motion was made by Trustee Oster and seconded by Trustee Zurliene to pass Ordinance 2019-12-02-B: Amending the Municipal Code of the Village by the Addition of Article III of Chapter 36 Imposing a Municipal Cannabis Retailers Occupation Tax. The presented Ordinance was for a 2.0% tax to make New Baden more attractive and give a competitive advantage to a cannabis retailer. Upon discussion by Board members, the consensus was to amend the Ordinance to a 3.0% tax.

**Ayes:** Zurliene, Linthicum, Pederson, Kuhn.

**Nays:** Oster, Locke.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

License Plate Reader  
Camera & Pole

Chief of Police Mackin presented details regarding the installation of a pole for a license plate reader camera at the entrance to Loves Truck Stop, 8690 Richter School Road. This camera will automatically capture all license plate numbers that enter Loves Truck Stop, along with a photo of the vehicle, location, date and time. The information collected can be used by police to find out where a plate has been in the past or to determine whether a vehicle was at the scene of a crime. The DEA (Drug Enforcement Agency) is providing the camera to the New Baden Police Department. The wooden pole will be furnished and installed by J.F. Electric for \$5,320. Chief Mackin reported that the Clinton County Sheriff's Department has donated \$2,500 and the Crime Stoppers organization has donated \$2,500 to offset the cost of the installation. Clinton County Electric Coop will charge \$1,800 to install the power box. With the donations received, the balance owed by the Village will be \$2,120. These final expenses will be TIF (Tax Increment Financing) eligible. There will also be a recurring charge from Verizon Wireless for the cell service which allows the camera to communicate with the necessary agencies. The Illinois Department of Transportation also has to issue a permit to allow the pole to be installed in the right-of-way at that location.

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License Plate Reader  
Camera & Pole, cont.

A motion was made by Trustee Oster and seconded by Trustee Kuhn to authorize J.F. Electric to install a wooden pole for a license plate reader camera for the New Baden Police Department for \$5,320. Expenses in excess of donations received will be TIF (Tax Increment Financing) eligible.

**Ayes:** Oster, Zurliene, Linthicum, Pederson, Kuhn, Locke.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

IDOT Permit No. 014-  
2019: Installation of  
Wooden Pole for  
License Plate Reader  
Camera

A motion was made by Trustee Locke and seconded by Trustee Oster to approve IDOT Permit No. 014-2019 for a license plate reader camera on a wooden pole in the right-of-way at 8690 Richter School Road.

**Ayes:** Oster, Zurliene, Linthicum, Pederson, Kuhn, Locke.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried.

Special Meeting: Tax  
Levy

The Board agreed to hold a Special Meeting on Monday, December 23 at 6pm to approve the 2020 Tax Levy; the Public Hearing will be held at 5:45pm.

Cancel Regular  
Meeting

The consensus of the Board was to approve the cancelation of the December 16 Regular Board Meeting.

Zoning Enforcement

Trustee Linthicum inquired on the enforcement of parking of recreation trailers; Chief Building and Zoning Official Jerry Green stated they are addressed as needed. Trustee Zurliene inquired about the lot at 1219 E Cedar Street; he his aware of complaints regarding the accumulation of landscape rubbish; Mr. Green stated he has been in contacted with the property owner.

There being no further business to be brought before the Village Board, a motion was made by Trustee Zurliene and seconded by Trustee Pederson to adjourn the meeting.

**Ayes:** Oster, Zurliene, Linthicum, Pederson, Kuhn, Locke.

**Nays:** None.

**Absent:** None.

A majority of the Board voting aye, the motion carried, and the meeting adjourned at 8:20pm.

Teri L Crane, Village Clerk  
Approved: February 3, 2020