

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Sean Herron Mari Johnson Rick Montalto David Paluch</p>
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**Agenda  
May 21, 2013  
Committee of the Whole  
6:30 P.M.**

1. Call to Order
2. Roll Call
3. Public Comment
4. Discussion:                 SG Center Pylon Signage – McDonalds Panel
5. Discussion:                 Police/School Reciprocal Reporting Agreement
6. Discussion:                 Request to Work in ROW
7. Discussion:                 Overnight Parking Regulations
8. Discussion:                 Dugan Road & Wheeler Road Truck Restrictions.
9. Closed Session             Personnel, Land Acquisition, Litigation
10. Adjournment

**May 07, 2013  
Village of Sugar Grove  
Regular Board Meeting  
6:00 PM**

President Michels opened the meeting at 6:00 PM and asked that Trustee Renk lead the Pledge. The roll was then called.

**Present:** Trustee Paluch, Trustee Johnson, Trustee Renk, Trustee Bohler, Trustee Montalto, and Trustee Geary.

Quorum Established.

**Also Present:**

Administrator Eichelberger, Finance Director VanVooren, Chief Moser, Clerk Galbreath, Public Works Director Speciale, Attorney Andersson, and Community Development Director Young.

**PUBLIC HEARINGS**

None

**APPOINTMENTS AND PRESENTATIONS**

None.

**PUBLIC COMMENTS ON ITEMS SCHEDULED FOR ACTION**

President Michels called for any public comments on items scheduled for action (all items were read and announced). Hearing none this portion of the agenda was closed

**CONSENT AGENDA**

- a. Approval: Minutes of April 16, 2013 Meeting
- b. Approval: Vouchers
- c. Proclamation: Work Zone and Roadway Safety
- d. Proclamation: Public Works Week
- e. Proclamation: National Police Week & Peace Officer's Memorial Day
- f. Resolution: Endorsing the Fit for Kids 2020 Plan
- g. ~~Resolution: Authorizing 2013 MFT Program~~

Trustee Johnson **moved to approve the Consent Agenda with the removal of item g, Resolution Authorizing 2013 MFT Program.** Trustee Bohler seconded the motion. President Michels then called for a roll call vote.

AYE:	Geary	NAY:	None	ABSENT:	None
	Paluch				
	Montalto				
	Bohler				
	Renk				
	Johnson				

Motion Carried.

**Resolution Authorizing the 2013 MFT Program**

Trustee Johnson **moved to adopt a Resolution Authorizing the 2013MFT Program.** Trustee Paluch seconded the motion. Trustee Geary stated he wanted to point out that Joy Street and Joy Court were being improved. A member of the audience interjected, when would Neil Street be improved. Specifically sidewalks. President Michels stated sidewalks are not part of MFT. President Michels called for further discussion and hearing none called for a roll call vote.

AYE:	Paluch	NAY:	None	ABSENT:	None
	Geary				
	Johnson				
	Montalto				
	Bohler				
	Renk				

Motion Carried.

**GENERAL BUSINESS**

**Presentation – Honoring Trustee Tom Renk**

President Michels read a proclamation honoring Trustee Renk’s service to the community and presented him with a plaque commemorating his service. Trustee Renk then gave an impassioned speech thanking all he had the worked with during his tenure.

**Oaths of Office**

Former Trustee Renk administered the oath of office to the following newly elected officials:

- Trustee Sean Herron
- Trustee Rick Montalto
- Trustee Robert Bohler
- President Sean Michels

The newly elected officials thanked those who voted in the 2013 Consolidated Elections and introduced their family members and thanked them for their support.

**Resolution Authorizing an Amended lease for antennas on the North Water Tower**

Tabled.

**Approval fo a Sanitary Sewer Check Value 50/50 Grant**

Trustee Paluch moved to Approve a Sanitary Sewer Check Value 50/50 Grant Program with a maximum of \$,2000 per household reimbursement and a yearly total village wide amount of \$20,000. Trustee Johnson seconded the motion. The Board reviewed the paperwork presented and agreed that the program should be approved as presented. President Michels called for any further discussion and hearing none called for a roll call vote.

AYE:	Paluch	NAY:	None	ABSENT:	None
	Geary				
	Johnson				
	Montalto				
	Bohler				
	Renk				

Motion Carried.

**NEW BUSINESS**

None.

**STAFF REPORTS**

**PUBLIC COMMENTS**

Karen McCannon asked if it was possible for all community wide meetings to be placed in the Village newsletter calendar. Staff was directed to see if it would be possible.

**AIRPORT REPORT**

None

**CLOSED SESSION**

Trustee Johnson **moved to adjourn to closed session to discuss Land Acquisition and Personnel and to adjourn there from taking no action, as per the exceptions to the open meetings act.** Trustee Montalto seconded the motion. TPresident Michels called for any further discussion and hearing none called for a roll call vote.

AYE:	Paluch	NAY:	None	ABSENT:	None
	Geary				
	Johnson				
	Montalto				
	Bohler				
	Renk				

Motion Carried.

**Adjournment**

Meeting was adjourned at 6:30 p.m. by Trustee Montalto, seconded by Trustee Bohler. All members in attendance voted Aye in a voice vote.

Respectfully submitted, Cynthia L Galbreath, Clerk

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Sean Herron Mari Johnson Rick Montalto David Paluch</p>
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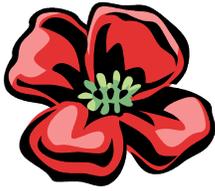
**Agenda  
May 21, 2013  
Regular Board Meeting  
6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Hearing:
  - a. None
5. Appointments and Presentations
  - a. None
6. Public Comment on Items Scheduled for Action
7. Consent Agenda
  - a. Approval: Minutes of May 07 and May 14, 2013 Meeting
  - b. Approval: Vouchers
  - c. Approval: Treasurer's Report
  - d. Proclamation: Buddy Poppy Day
  - e. Appointments: Public Offices
  - f. Resolution: Approving Employment Agreements
  - g. Ordinance: Amending the Capital Professional Center PUD - Signage
  - h. Ordinance: Confirming TIF #1
8. General Business
  - a. Approval: Special Event Application - 2013 Farmers Market
  - b. Approval: 47 & Cross Intersection Improvements Change Order #1
9. New Business
10. Reports
  - a. Staff Reports
  - b. Trustee Reports
  - c. Presidents Report
11. Public Comments
12. Airport Report
13. Closed Session: Land Acquisition, Personnel, Litigation
14. Adjournment

*The consent agenda is made up of items that have been previously discussed, non-controversial, or routine in subject manner and are voted on as a 'package'. However, by simple request any member of the Board may remove an item from the consent agenda to have it voted upon separately. Items that are marked as \* STAR – indicate that the item is Subject to Attorney Review*

Members of the public wishing to address the Board shall adhere to the following rules and procedures:

1. Complete the public comment sign-in sheet prior to the start of the meeting.
2. The Village President will call members of the public to the podium at the appropriate time.
3. Upon reaching the podium, the speaker should clearly state his or her name and address.
4. Individual comment is limited to three (3) minutes. The Village President will notify the speaker when time has expired.
5. Persons addressing the Board shall refrain from commenting about the private activities, lifestyles, or beliefs of others, including Village employees and elected officials, which are unrelated to the business of the Village Board. Also, speakers should refrain from comments or conduct that is uncivil, rude, vulgar, profane, or otherwise disruptive. Any person engaging in such conduct shall be requested to leave the meeting.
6. The aforementioned rules pertaining to public comment may be waived by the Village President, or by a majority of a quorum of the Village Board.
7. Except during the time allotted for public discussion and comment, no person, other than a member of the Board, shall address that body, except with the consent of two (2) of the members present.



## Buddy Poppy Days

2013



**WHEREAS**, The Sugar Grove American Legion Post 1271 is celebrating its annual “Buddy Poppy” salute to Veterans on Memorial Day Weekend of 2013; and

**WHEREAS**, The Sugar Grove American Legion Post 1271 will conduct its annual sale of “Buddy Poppies” during the last week of May 2012; at various locations in the Village of Sugar Grove; and

**WHEREAS**, the annual sale of “**BUDDY POPPIES**” by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

**WHEREAS**, VFW “**BUDDY POPPIES**” are assembled by disabled veterans, and the proceeds of this fundraising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

**WHEREAS**, the basic purpose of the annual sale of “**BUDDY POPPIES**” by the Veterans of Foreign Wars is eloquently reflected in the desire to “Honor the Dead by Helping the Living”.

**THEREFORE**, I, P. Sean Michels, President of the Village of Sugar Grove hereby proclaim May 24 thru May 27, 2013 as “**BUDDY POPPIES DAYS**,” in the Village of Sugar Grove and do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of “**BUDDY POPPIES**” on the days set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

P. Sean Michels, President

Trustee Robert Bohler  
Trustee Mari Johnson

Trustee Kevin Geary  
Trustee Rick Montalto

Trustee Sean Herron  
Trustee David Paluch

Attest: Cynthia L. Galbreath, Village Clerk

## **Buddy Poppy – The History**

Among all the flowers that evoke the memories and emotions of war is the red poppy, which became associated with war after the publication of a poem written by Col. John McCrae of Canada. The poem, "In Flander's Field", describes blowing red fields among the battleground of the fallen.

For more than 75 years, the VFW's Buddy Poppy program has raised millions of dollars in support of veterans' welfare and the well being of their dependents.

The VFW conducted its first poppy distribution before Memorial Day in 1922, becoming the first veterans' organization to organize a nationwide distribution. The poppy soon was adopted as the official memorial flower of the Veterans of Foreign Wars of the United States.

It was during the 1923 encampment that the VFW decided that VFW Buddy Poppies be assembled by disabled and needy veterans who would be paid for their work to provide them with some form of financial assistance. The plan was formally adopted during the VFW's 1923 encampment. The next year, disabled veterans at the Buddy Poppy factory in Pittsburgh assembled VFW Buddy Poppies. The designation "Buddy Poppy" was adopted at that time.

In February 1924, the VFW registered the name "Buddy Poppy" with the U.S. Patent Office. A certificate was issued on May 20, 1924, granting the VFW all trademark rights in the name of Buddy under the classification of artificial flowers. The VFW has made that trademark a guarantee that all poppies bearing that name and the VFW label are genuine products of the work of disabled and needy veterans. No other organization, firm or individual can legally use the name "Buddy" Poppy.

Today, VFW Buddy Poppies are still assembled by disabled and needy veterans in VA Hospitals.

The minimal assessment (cost of Buddy Poppies) to VFW units provides compensation to the veterans who assemble the poppies, provides financial assistance in maintaining state and national veterans' rehabilitation and service programs, and partially supports the VFW National Home for orphans and widows of our nation's veterans.

### **In Flander's Field**

*by John McCrae*

In Flanders Fields the poppies blow,  
Between the crosses, row on row,  
That mark our place; and in the sky,  
The larks, still bravely singing, fly,  
Scarce heard amid the guns below.  
We are the dead.  
Short days ago,  
We lived, felt dawn, saw sunset glow,  
Loved and were loved and now we lie,  
In Flanders Fields.  
Take up our quarrel with the foe  
To you, from failing hands, we throw,  
The torch, be yours to hold it high.  
If ye break faith with us, who die,  
We shall not sleep, though poppies grow,  
In Flanders Fields.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RONALD A. MOSER, CHIEF OF POLICE  
**SUBJECT:** DISCUSSION OF ORDINANCE REGULATING OVERNIGHT PARKING (6-3-4) OF THE SUGAR GROVE VILLAGE CODE.  
**AGENDA:** MAY 21, 2013 BOARD MEETING  
**DATE:** MAY 16, 2013

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**ISSUE**

Should the Village/Board consider revising the ordinance regulating overnight parking.

**DISCUSSION**

At the Village Board Meeting of April 16, 2013 Mr. Heinle of 111 Arbor Ln. spoke to the Board about the overnight parking ordinance. Mr. Heinle advised the Board that his family has more vehicles than will fit to park on his property. He requested that the Village Board review the overnight parking restrictions. He requests to be allowed to park vehicles in the evening on the roadway.

The current ordinance 6-3-4 states as follows:

- A. Prohibited: No person shall park any vehicle on the street within the village between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M.
- B. Exceptions: Excepted from the provisions of this section are:
  - 1. Physician, police officers and firefighters on emergency calls; and
  - 2. Any person who obtains an express permit granted by the police department for the village for one 24-hour period; provided that such permit shall be a one time permit and no fee shall be required. (Ord. 312, 11-23-1981).

As discussed at that Board meeting, the reasons behind overnight parking bans include security, clearing of snow by snowplows, prevention of abandoned vehicles on the street, and overall cleanliness of the village streets.

The exceptions to the overnight ban include the ability for physicians, police officers and firefighters to park on the street during these hours when on emergency calls.

Additionally, a person can contact the police department to receive permission to park overnight.

The police have interpreted this, and have procedures in place, to allow permission to park overnight once per calendar year. The police department enforces this by the vehicle at the address. Therefore, one address in a given year could receive multiple permissions for a one time exception for each vehicle at that location. Additionally, the police supervisors use discretion based on the circumstances. For example, if we are notified that a residence is going to have several out of town guests for an evening, we may grant permission for several cars to park overnight at that location. The department also does not enforce the overnight ban on certain holidays or events when it is expected that people will have overnight visitors. These holidays could include Thanksgiving, Christmas Eve, etc.

In the case of Mr. Heinle at 111 Arbor Ln. from January 1<sup>st</sup> through April 13<sup>th</sup>, our records indicate that there were 16 instances in which a vehicle was called in requesting overnight parking permission. This represented ten different vehicles. Of three of those instances, officers posted a notification on the vehicle stating that the vehicle could not park overnight. This was because they already had one instance where permission had been previously given. On April 13<sup>th</sup>, two vehicles were ticketed at that location. This was after they had been previously given the notification that they could not park overnight again.

At the 111 Arbor location, when permission is granted, the vehicles are not parking directly in front of 111 Arbor because there is no parking on that side of the street. Apparently they would be parking directly across the street in front of another neighbor's residence.

In calendar year 2012, officers issued a total of 883 parking tickets for the offense of the parking ban between 2 a.m. and 6 a.m.

## **COST**

Overnight parking restrictions exist for security, street maintenance and aesthetic reasons; not for revenue purposes. That said, if the ordinance is amended to allow overnight parking there would be a loss of revenue to the village from the parking ticket fines. If all 883 tickets issued last year were paid, that would reflect \$22,075 in revenue (883 x \$25.00=\$22,075). If we were to assume a 75% collection rate that reflects revenue of \$16,556.00.

## **RECOMMENDATION**

That the Board review the Night Parking ordinance (6-3-4) and clarify as necessary. Police staff does not recommend a change in the ban on parking between 2 a.m. and 6 a.m. It is recognized that there are some individuals, such as Mr. Heinle, who do have unusual circumstances. However, to allow overnight parking will create the problems as cited in the Discussion Section throughout the entire village.

Police staff is of course willing to consider revisions in the ordinance and/or current operating procedures if the Board wishes to make the ordinance less restrictive.

05212013 night parking ordinance

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG, COMMUNITY DEVELOPMENT DIRECTOR  
MIKE FERENCAK, VILLAGE PLANNER  
**SUBJECT:** DISCUSSION: PROPOSED MINOR AMENDMENT TO THE  
CAPITOL PROFESSIONAL CENTER PLANNED UNIT  
DEVELOPMENT (PUD)  
**AGENDA:** APRIL 2, 2013 COMMITTEE OF THE WHOLE MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Should the Village amend the Capitol Professional Center PUD.

**DISCUSSION**

The applicant, Hem Aggarwal, M.D. for Sugar Grove Health Center, is proposing to amend the Planned Unit Development Ordinance approved on January 23, 2007 for the Capitol Professional Center development (attached). Capitol Professional Center is an office park consisting of four building lots and one common lot, together one zoning lot, located at 217-235 N. Capitol Drive.

The applicant is proposing to amend the PUD Ordinance to allow two wall advertising signs for Sugar Grove Health Center on the west half of the building at 217 N. Capitol Drive. Dr. Aggarwal owns the west half of the building at 217 N. Capitol Drive, while the remainder of the building and development is owned by BCB Development I, LLC (MB Financial Bank). The other three planned buildings have not been constructed.

Wall signage is effectively prohibited as a part of the PUD. The types of uses envisioned in the office parks were not the type that would need wall signage. A ground sign for the entire zoning lot was approved with the PUD, but has not been constructed yet (attached, Pad Sign "B"). Temporary advertising signs for Sugar Grove Health Center that were permitted in 2009 remain on the building. Please refer to the Plan Commission staff report (attached) for a detailed review of all signage approved or existing on the building and site.

The request is to amend the PUD to allow the two proposed wall signs for this one owner on the west half of the 217 N. Capitol Drive building only. There is no comprehensive wall signage plan proposed and the wall signage prohibition would only be modified to the extent that these signs may be approved.

Staff recommended to the Plan Commission approval of the two advertising wall signs only, subject to the following conditions:

- 1) That both wall signs be allowed only as externally-illuminated or non-illuminated flush signs (not internally-illuminated box signs as proposed).
- 2) That the west face wall sign be allowed for three (3) years or until the ground sign for Capitol Professional Center is constructed, whichever comes first.
- 3) That the south face wall sign be allowed for three (3) years or until a building is constructed off-site on Lot 12 to the south, whichever comes first.

The Plan Commission reviewed this request at the March 20, 2013 meeting. The Plan Commission recommended approval of the Minor PUD Amendment with changes from the staff recommendation by a vote of 6-0. They eliminated condition 1 (they did not have an opinion on it) and changed conditions 2 and 3 to not include the three (3) year time limit.

Staff stands by the original recommendation for the following reasons:

Due to the residential design of the office park buildings, signs may not be placed in the prototypical retail sign position on the exterior wall above the ceiling of the first floor. They also may not be placed on the roof as roof signs are not allowed by the Zoning Ordinance. This means any signs will need to be installed on the walls at a height of approximately only 8' off the ground. Internally-illuminated signs would not be aesthetically attractive at this height because all internally-illuminated signs (whether box or letters) would project approximately 10" from the building. Staff recommends a flush-mounted sign for this reason. A flush-mounted sign could be either externally-illuminated or non-illuminated. If the Board prefers an internally-illuminated sign, staff would recommend it be opaque (where the light shines through the letters rather than the entire background). Please see the attachments for examples of these styles.

A three year time limit on the advertising wall signs would allow the Village to re-evaluate in three years whether it makes sense to keep the wall signs given changing circumstances in the development of the Village.

Dr. Aggarwal continues to prefer his original proposal of two internally-illuminated box wall signs and with no time limit on each.

## **ATTACHMENTS**

1. Applicant Proposed Wall Box Signs stamped February 21, 2013
2. Comparison of a Box Sign and a Flush Sign
3. Comparison of a Translucent Sign and an Opaque Sign
4. Staff Report to the March 20, 2013 Plan Commission meeting
5. Capitol Professional Center PUD Ordinance 2007-0123D
6. Sugar Grove Center PUD Signage Plan dated May 18, 2004, recorded October 20, 2004
7. Photos of 217 N. Capitol Drive building
8. Area Map

## **COST**

This project did not require a public hearing. Costs have been paid by the applicant.

**RECOMMENDATION**

That the Committee of the Whole review this item and place it on the April 16, 2013 regular Village Board meeting agenda.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG, COMMUNITY DEVELOPMENT DIRECTOR  
MIKE FERENCAK, VILLAGE PLANNER  
**SUBJECT:** ORDINANCE: MINOR AMENDMENT TO THE CAPITOL  
PROFESSIONAL CENTER PLANNED UNIT DEVELOPMENT  
(PUD)  
**AGENDA:** MAY 21, 2013 REGULAR VILLAGE BOARD MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Should the Village amend the Capitol Professional Center PUD.

**DISCUSSION**

On April 2, 2013, the concept of amending this PUD for one user's signage was presented to the Committee of the Whole. The Committee preferred the staff recommendation of utilizing a flush sign, whether it be a rectangle or individual letters and whether it be externally-illuminated or non-illuminated. The Committee did not prefer an internally-illuminated box sign or other internally-illuminated signs for the office park buildings.

The Committee also preferred having a time limit of three (3) years on the signs, as opposed to time limits based solely on construction of the ground sign / neighboring building to the south or based on a combination of the three (3) years and construction factors, whichever would come first. In general, a time limit is proposed as a reasonable way to accommodate some signage temporarily as the office park PUD does not allow for wall signage.

As the applicant was not present at the Committee meeting, staff contacted Dr. Aggarwal and informed him of the Committee's recommendation. Dr. Aggarwal is ok with the Committee recommendation.

At the time of writing of this report, the applicant has not submitted a wall sign plan conforming to the style parameters agreed to. Rather than delay approval, staff is recommending that the Ordinance be approved Subject To Attorney Review (STAR), with the plan information inserted after received and confirmed compliant.

Staff has drafted and attached an ordinance consistent with the Committee's recommendation. The Committee of the Whole report is also attached for reference. Attachments to the Committee of the Whole report are available upon request.

## **ATTACHMENTS**

1. Minor PUD Amendment Ordinance
2. Staff Report to the April 2, 2013 Committee of the Whole meeting

The following items were previously provided:

3. Applicant Proposed Wall Box Signs stamped February 21, 2013
4. Comparison of a Box Sign and a Flush Sign
5. Comparison of a Translucent Sign and an Opaque Sign
6. Staff Report to the March 20, 2013 Plan Commission meeting
7. Capitol Professional Center PUD Ordinance 2007-0123D
8. Sugar Grove Center PUD Signage Plan dated May 18, 2004, recorded October 20, 2004
9. Photos of 217 N. Capitol Drive building
10. Area Map

## **COST**

This project did not require a public hearing. Costs have been paid by the applicant.

## **RECOMMENDATION**

That the Board adopts Ordinance 2013-0521\_, An Ordinance Granting a Minor PUD Amendment for Capitol Professional Center, Subject To Attorney Review.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** PRESIDENT AND BOARD OF TRUSTEES  
**FROM:** CYNTHIA L. GALBREATH, VILLAGE CLERK  
**SUBJECT:** FARMERS MARKET SPECIAL EVENT PERMIT APPROVAL  
**AGENDA:** MAY 21, 2013 REGULAR MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Shall the Village of Sugar Grove approve a Special Event Permit for the Sugar Grove Farmers Market.

**DISCUSSION**

In the past few years an outside consultant contracted to use Village Hall Property to hold a French Market. However the Sugar Grove Community indicated that they prefer a Farmers Market run locally to one that is run by an outside consultant. Pat Graceffa and Indra Singh have announced that they will be the coordinators of the 2013 Sugar Grove Farmers Market.

When an event is requested to be held on Village property a Special Events Permit is required. The coordinators of the Sugar Grove Farmers Market have submitted a Special Events Application. The request is to hold a farmers market at the Municipal Center in the front parking lot for the 2013 Season, June thru September.

The coordinators will be working with the Sugar Grove Police Department and the Sugar Fire Protection District to review security and disaster planning for the market. It is expected that a plan similar to the one that is used during the Sugar Grove Corn Boil will be utilized. Staff recommends conditional approval of this special event.

**COSTS**

There is no cost with the approval of a Special Events Permit.

**RECOMMENDATION**

That the Village Board conditionally approve of the Special Events Application for the 2013 Sugar Grove Chamber of Commerce Farmers Market for each Saturday from June through September 2013 from 7:00 a.m. to 1:00 p.m., conditions are subject to staff approval of documentation and Fire and Police approval of the disaster plan.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RONALD A. MOSER, CHIEF OF POLICE  
**SUBJECT:** DISCUSSION OF RECIPROCAL REPORTING AGREEMENT BETWEEN  
KANELAND CUSD #302 AND VILLAGE OF SUGAR GROVE  
**AGENDA:** MAY 21, 2013 BOARD MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Should the Village enter into an Intergovernmental Agreement with Kaneland CUSD #302 authorizing the development of guidelines for reciprocal reporting.

**DISCUSSION**

Section 5/22-20 of the Illinois School Code (105 ILCS 5/22/20) authorizes a school district, in cooperation with a local law enforcement agency, to develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and the local law enforcement agency regarding criminal offenses committed by students.

Staff from the police department and school district have discussed this and both parties feel it would be beneficial to enter into this agreement. The primary purpose of the agreement is to assist in providing a safe, healthy and violence, crime and intimidation free school environment.

The Village attorney has reviewed the agreement and made modifications. The attached Intergovernmental Agreement, as well as the Exhibit A (Guidelines) were returned to the school district after revisions were made. The staff and attorneys for the school district are now reviewing the agreement and guidelines. Staff expects the school district to reply to us soon.

**COST**

The only cost involved is attorney review expense which is funded from Legal Services (01-51-6301). There is sufficient funding in that account to pay for this minor expense.

## **RECOMMENDATION**

That the Board review the draft Intergovernmental Agreement and Guidelines and provide commentary as to whether or not the formal Intergovernmental Agreement and Guidelines should be brought for consideration at a future board meeting.

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE VILLAGE OF SUGAR GROVE AND KANELAND CUSD #302  
AUTHORIZING THE DEVELOPMENT OF GUIDELINES FOR RECIPROCAL REPORTING

THIS AGREEMENT between the VILLAGE OF SUGAR GROVE, Kane County, Illinois, a Municipal Corporation in the State of Illinois (“Village”) and the BOARD OF EDUCATION OF KANELAND CUSD #302, Kane County, Illinois, an Illinois Public School District (“School District”), is established and maintained under the authority of Sections 10-20.14 (105 ILCS 5/10-20.14) and 22-20 (105 ILCS 5/22-20) of the School Code of Illinois and in compliance with Sections 1-7 (705 ILCS 405/1-7) and 5-905 (705 ILCS 405/5-905) of the Juvenile Court Act of 1987, as currently drafted and hereafter amended.

WITNESSETH:

WHEREAS, Article VII, Section 10 of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provide for the execution of agreements and implementation of cooperative ventures between public agencies within the State of Illinois; and

WHEREAS, Section 5/22-20 of the Illinois School Code (105 ILCS 5/22/20) authorizes a school district, in cooperation with local law enforcement agencies, to develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students; and

WHEREAS, the School District and the Village recognize the need for educators and law enforcement officials to share information within the bounds of confidentiality requirements applicable to police officers and school officials regarding activities of minor students, in and out of school, so that they may work together in as efficient a manner as possible to prevent, eliminate and discourage acts of crime, violence and intimidation; and

WHEREAS, the School District and the Village recognize that the flow of information between them is essential to providing a safe, healthy and violence-free school environment to which all children are entitled, and which all children need in order to thrive and learn; and

WHEREAS, the School Districts and the Village wish to establish and maintain a reciprocal reporting system regarding criminal and other offenses committed by students, as authorized by the Illinois School Code.

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is hereby agreed by and between the School District and the Village as follows:

1. The School District's Superintendent or designee and the Police Chief or designee are hereby authorized and directed to prepare and implement guidelines for reciprocal reporting under the School Code and as otherwise appropriate for the benefit and safety of the School District's students and staff and the local community (the "Guidelines").
2. The first set of Guidelines may be adopted by the School District's Superintendent and the Village Administrator in substantially the same form as the Guidelines attached as Exhibit A hereto.
3. The School District's Superintendent and the Village Police Chief, or their designees, will meet to facilitate and review implementation of the Guidelines as often as necessary.
4. The School District's Superintendent and the Village Police Chief are hereby authorized to periodically modify or amend the Guidelines in writing to reflect changes in the law or to better meet the needs of the parties.
5. This Agreement shall commence on its effective date and shall continue in full force and effect until it is terminated. Either party may terminate this Agreement at any time by providing the other party at least thirty (30) days prior written notice of such termination. In addition, the parties may terminate this Agreement by written mutual consent and agreement.
6. This Agreement sets forth all the covenants, conditions and promises between the parties, represents the entire agreement between the parties, and supersedes all previous communications or understandings whether oral or written.
7. In the event any provision of this Agreement or the application of any such provision to any state of facts shall be declared to be illegal, unenforceable or contrary to the public policy, then such provision or application, as the case may be, shall be null and void, but this Agreement, with such provision severed, shall continue in full force and effect as to all other provisions.
8. This Agreement shall be governed by the laws of the State of Illinois.
9. This Agreement shall be deemed dated and become effective on the date the last of the parties signs as set forth below the signature of their duly authorized representatives.

VILLAGE OF SUGAR GROVE

THE BOARD OF EDUCATION OF  
KANELAND CUSD #302

By: \_\_\_\_\_  
Village President

By: \_\_\_\_\_  
President, Board of Education

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

## EXHIBIT A

### GUIDELINES FOR RECIPROCAL REPORTING AND COOPERATION BETWEEN KANELAND CUSD #302 AND SUGAR GROVE POLICE DEPARTMENT

Kaneland CUSD #302 and Sugar Grove Police Department (the "Police Department"), pursuant to Section 1-7(A)(8) of the Juvenile Court Act, Sections 10-20.14 and 22-20 of the Illinois School Code and Section 10/6(a)(6.5) of the Illinois School Student Records Act, agree to, and hereby, establish guidelines for a reciprocal reporting system between the Police Department as the local law enforcement agency and the School District regarding criminal offenses committed by students. It is also critical to the safety of the School District's students and the local community at large that, within the bounds of the confidentiality requirements applicable to both police officers and school officials, extensive cooperation takes place between school and police officials. The following guidelines are intended to meet the requirements of the Juvenile Court Act, the Illinois School Student Records Act and Sections 10-20.14 and 22-20 of the School Code, to reduce juvenile crime and to increase school safety by promoting the exchange of appropriate information between the police and school officials.

#### I. **General Cooperation**

- A. The Superintendent of the School District will provide the Police chief with a list of administrators (the "School Officials") to be contacted as needed.
- B. The Police Chief will provide the School District with a list of officers (the "Police Officials") who will have responsibility for implementing these guidelines. The list will contain at least one primary and two backup officers. The list will further contain the officers' regular and emergency telephone numbers, and will identify which officers are to be contacted for various types of problems and the order in which the officers are to be contacted.
- C. The administrators on the School District's list and the primary and backup officers on the Police Chief's list will meet to facilitate and review implementation of these guidelines as often as necessary.

#### II. **Reporting of Student Criminal Activity**

##### A. By the School District to Police Officials

1. School Officials will promptly report to the Police Officials the activity of students who reside and/or attend school in the Village of Sugar Grove that involves or is suspected to involve:
  - a. Criminal gang activity;
  - b. Weapons such as guns and knives, explosives, impact devices or any item used as a weapon;
  - c. Sale of drugs or other intoxicants;

- d. Possession of significant quantities of drugs or other intoxicants;
  - e. Fights or other violent activity which might reasonably carry over into the community;
  - f. Abuse, neglect, lock-out and runaway situations;
  - g. Acts of vandalism;
  - h. Other activities involving students which threaten the safety of students or community members on or off school property; or
  - I. Any state or federal crime occurring or which has occurred on school property or at a school event which might reasonably carry over into the community.
- 2. Where violence or other activity poses an imminent threat to the safety of students or community members, the information will be shared as soon as possible; otherwise, the information will be shared not later than two business days after the information becomes known to School Officials.
  - 3. Where information regarding a School District student does not constitute an immediate threat to the safety of School District students or community members, is deemed to be minor and unlikely to assist in the protection or safety of School District students or community members or becomes part of the student's school record under the provisions of the Illinois School Student Records Act (the "Act"), 105 ILSC 10/1 et seq., the School District shall not disclose the information to the Police Department absent the specific written consent of the student's parent/guardian (or the student if age 18 or older), by an order of a court of proper jurisdiction or as otherwise permitted by the Act.
  - 4. In accordance with Section 10/6(a)(6.5) of the Illinois School Student Records Act, and consistent with Section III.C. of these Guidelines, the School District may release school student records or information to juvenile authorities when necessary for the discharge of their official duties upon a request for information prior to adjudication of the student and if certified in writing that the information will not be disclosed to any other party except as provided under law or order of court. "Juvenile authorities" include probation officers, law enforcement officers and prosecutors, and others as defined in Section 10/6(a)(6.5).
- B. By Police Officials to the School District
- 1. Police Officials will report to School Officials the same type of information referenced in Section A above, within the same time frames, where the activity by students or others might reasonably carry over onto school grounds or school activities.
  - 2. As provided by Section 1-7(A)(8) of the Juvenile Court Act, Police Officials will report to School Officials the following offenses or suspected offenses within the time frames referenced in Section A above with respect to a minor enrolled in one of the School District's schools who has been taken into custody or arrested:
    - a. Unlawful use of weapons under Section 24-1 of the Criminal Code;

- b. A violation of the Illinois Controlled Substances Act;
  - c. A violation of the Cannabis Control Act;
  - d. A forcible felony as defined in Section 2-8 of the Criminal Code, including murder, criminal sexual assault, robbery, burglary, arson, kidnapping, aggravated battery resulting in bodily harm or permanent disability or disfigurement, and any other felony that involves the use or threat of physical force or violence; or
  - e. A violation of the Methamphetamine Control and Community Protection Act.
3. As required by Section 22-20 of the Illinois School Code, Police Officials shall report to School Officials whenever a student is detained for proceedings under the Juvenile Court Act or for any criminal offense or any violation of a municipal or county ordinance. The report shall periodically update the report as significant stages of the proceedings occur and with the disposition of the matter. All such reports shall be kept in a secure location separate from the student's official school record and shall be used by School Officials solely to aid in the proper rehabilitation of the student and to protect the safety of students and employees in the schools.
4. However, in administering Section 22-20 of the School Code and these guidelines, law enforcement officials are not obligated to initiate reporting to the School District the detention of students for conduct deemed by Police Officials to be minor and unlikely to assist in the rehabilitation of the student or the protection or safety of students and employees in the School District. In contrast, conduct involving vandalism, violence, gangs, weapons, drugs, alcohol, runaways, family disputes, abuse or an appearance in court as a juvenile or an adult for other than minor traffic offenses would be reported. More generally, Police Officials will share information with School Officials where student misconduct outside of school is likely to be carried into school or school activities, or have a significant impact on the safety and well-being of students, staff and community members associated with law enforcement officials where student misconduct in school or at school activities is likely to extend into the community or involve an offense for which reporting is required by law.
5. Although the provisions of the Juvenile Court Act do not apply to students aged 17 or older, Police Officials shall provide School Officials with the same information regarding suspected criminal offenses committed by students ages 17 and older as is reported for students included in the scope of the Juvenile Court Act under these guidelines.

### III. **Confidentiality and Records**

- A. Content of Criminal Activity Information. All criminal activity information shall include the names of all involved persons, including District students and minors, except in cases where the name of the victim is protected under the Rights of Crime Victims and Witnesses Act, 725 ILCS 120/1, et seq., as amended, or other applicable law.
- B. Confidentiality of Law Enforcement Records and Criminal Activity Information. Any law enforcement records subject to disclosure under these guidelines shall not be disclosed or made available in any form to any person or agency other than as set forth in these guidelines or as

authorized by law. Police Officials and School Officials shall develop procedures to ensure such nondisclosure of criminal activity information, except as may be authorized by law or set forth in these guidelines. Such procedures shall be designed to also ensure that any criminal activity information is not available to other employees, or any persons other than as authorized by these guidelines or by law.

- C. Illinois School Student Records Act. This Section III and these guidelines are intended to satisfy Section 6(a)(6.5) of the Illinois School Student Records Act, 105 ILCS 10/6(a)(6.5), which authorizes a school district to release information to law enforcement officers when necessary for the discharge of their official duties prior to adjudication of the student and upon written certification that the information disclosed by the school will not be disclosed to any other party, except as provided by law or order of court.
- D. Not Educational or School Records. School Officials shall follow State and Federal laws regarding student records. Consistent with Section 10/2(d) of the Illinois School Student Records Act, reports of Police Officials working in a school shall be deemed the reports of a law enforcement professional and shall not be considered a student record. 105 ILCS 10/2(d). For purposes of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232(g), Police Officials designated to work with the School District pursuant to these guidelines shall be considered a law enforcement unit of the school such that the records created by Police Officials for the purpose of law enforcement shall not be considered educational records.

#### IV. **Other Terms and Conditions**

- A. Term and Renewal. These guidelines shall immediately take effect on the date of the last signature and shall be in full force and effect for a period of two (2) years thereafter. These guidelines shall automatically renew for successive two (2) year periods unless terminated as provided below.
- B. Termination. These guidelines may be terminated at any time upon thirty (30) days advance written notice by either party.
- C. Amendments and Modifications. These guidelines may be modified or amended from time to time provided, however, that no such amendment or modifications shall be effective unless reduced to writing and duly signed by an authorized representative of the parties.
- D. Savings Clause. If any provision of these guidelines, or the application of such provision, shall be rendered or declared invalid by a court of competent jurisdiction, or by reason of its requiring any steps, actions or results, the remaining parts or portions of these guidelines shall remain in full force and effect.
- E. Information. Information may be communicated verbally among the designees at any time deemed necessary by the designees.
- F. Entire Agreement. These guidelines set forth all the covenants, conditions and promises between the parties. There are no covenants, promises, agreements, conditions or understandings between the parties, either oral or written, other than those contained in these guidelines.

G. Governing Law. These guidelines shall be governed by the laws of the State of Illinois.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Kaneland CUSD #302

Village of Sugar Grove Police Department

By: \_\_\_\_\_  
Superintendent

By: \_\_\_\_\_

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** ANTHONY SPECIALE, DIRECTOR OF PUBLIC WORKS  
GEOFF PAYTON, STREETS / PROPERTIES SUPERVISOR  
**SUBJECT:** APPROVAL: RESTRICTING TRUCK USE ON PORTIONS OF NORTH  
DUGAN ROAD AND WHEELER ROAD  
**AGENDA:** MAY 21, 2013 COMMITTEE OF THE WHOLE  
**DATE:** MAY 15, 2013

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**ISSUE**

Should the Village restrict truck usage on North Dugan Road and Wheeler Road.

**DISCUSSION**

Recently, restricting truck use on North Dugan Road and Wheeler Road has been discussed due to the deteriorating conditions on these roads. Currently, truck traffic is allowed on North Dugan Road from US 30 to Wheeler Road and on Wheeler Road from Dugan Road to Heartland Drive. The north section of Dugan Road is scheduled for resurfacing in early 2014, but it will not be reconstructed to meet Class II Truck standards. The west section of Wheeler Road is currently not programmed for an overlay.

Staff is recommending permanently limiting truck traffic on North Dugan Road from US 30 to 88 Dugan Road and on Wheeler from Heartland Drive west to approximately 43W630 Wheeler Road. These changes will still allow all business to have access to a truck route for deliveries and shipping. In addition, fire trucks, Public Works Trucks, garbage trucks and implements of husbandry (farm equipment) are exempted from the restrictions. These modifications will also help slow the deterioration of the worst sections of both North Dugan Road and Wheeler Road prior to and after any resurfacing is completed.

In February 2010, the Village Board passed an update to the Weight Restrictions Ordinance that states the Director of Public works has the authority to affect these restrictions. Title 6, Chapter 4, Section 6 states in part: "the director of public works may prohibit the operation of vehicles upon any public street within the village or impose further restrictions as to the weight of vehicles to be operated on public streets whenever that street may be seriously damaged or destroyed by vehicular use, including, but not limited to, deterioration from freeze/thaw cycles or other climatic

conditions.” Therefore, no ordinance revisions are necessary to enact the changes. Additional signage will need to be installed at these areas at an estimated cost of \$162.50 per sign. Four signs will be needed for a project total of \$650.00.

### **COST**

The estimated costs for the project are approximately \$650.00 for signs. The FYE 14 currently has \$5,500.00 budgeted in Streets General Fund Account Number 01-53-6610: Traffic Control Supplies for signs and related repairs.

### **RECOMMENDATION**

The Village Board discusses the truck restrictions on North Dugan Road and Wheeler Road and authorizes the Director of Public Works to implement the restrictions.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**ORDINANCE NO. 2013-0521A**

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**ORDINANCE CONFIRMING VALIDITY  
OF ORDINANCES 2012-0117A, 2012-0117B, and 2012-0117C  
FOR THE SUGAR GROVE INDUSTRIAL REDEVELOPMENT PROJECT AREA #1**

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this 21<sup>st</sup> day of May, 2013.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove, Kane County, Illinois,  
this 21<sup>st</sup> day of May, 2013.

**ORDINANCE NO. 2013-0521A**

**ORDINANCE CONFIRMING VALIDITY  
OF ORDINANCES 2012-0117A, 2012-0117B, AND 2012-0117C  
FOR THE SUGAR GROVE INDUSTRIAL REDEVELOPMENT PROJECT AREA #1**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the following three Ordinances were recorded in the office of the recorder of Kane County and filed with the Director of Tax Extension at the office of the Kane County Clerk on October 31, 2012: a) Ordinance 2012-0117A Approving the Sugar Grove Industrial Redevelopment Project Area #1 Plan and Program, b) Ordinance 2012-0117B Designating the Sugar Grove Industrial Redevelopment Project Area #1, and c) Ordinance 2012-0117C Adopting Tax Increment Financing for the Sugar Grove Industrial Redevelopment Project Area #1, and attached to each of these Ordinances is “Appendix B – Legal Description” and,

**WHEREAS**, the Director of Tax Extension at the office of the Kane County Clerk expressed concern that prior to October 31, 2012 the three Ordinances had already been filed in that office with a different, inaccurate “Appendix B – Legal Description” and,

**WHEREAS**, it is desirable and in the best interests of the citizens of the Village of Sugar Grove, Kane County, Illinois (the “Village”), for the Village to adopt an Ordinance confirming the validity of the three Ordinances recorded and filed on October 31, 2012 (including the “Appendix B – Legal Description” included with each of them); and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**Section 1. Validity of Ordinances Confirmed.** The Ordinances recorded in the office of the recorder of Kane County as 2012K075828, 2012K075829, and 2012K075830 and filed with the Director of Tax Extension at the office of the Kane County Clerk on October 31, 2012 are confirmed as the valid Ordinances, including any appendices (including Appendix B – Legal Description).

**Section 2. Invalidity of Any Section.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section 3. Superseder and Effective Date.** All ordinances, resolutions, motions or orders in conflict herewith be, and the same hereby are, repealed to the extent of such conflict, and this ordinance shall be in full force and effect immediately upon its passage by the Board and approval as provided by law.

Presented to the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of May 2013, A.D.

Passed by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of May 2013, A.D.

Robert E. Bohler \_\_\_\_\_

Kevin M. Geary \_\_\_\_\_

Mari Johnson \_\_\_\_\_

Rick Montalto \_\_\_\_\_

Dave Paluch \_\_\_\_\_

Sean Herron \_\_\_\_\_

P. Sean Michels \_\_\_\_\_

Approved and signed by me as the President of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of May 2013, A.D.

\_\_\_\_\_  
P. Sean Michels, Village President

ATTEST:

\_\_\_\_\_  
Cynthia L. Galbreath, Village Clerk

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** ANTHONY SPECIALE, DIRECTOR OF PUBLIC WORKS  
GEOFF PAYTON, STREETS & PROPERTIES SUPERVISOR  
**SUBJECT:** DISCUSSION: REQUEST TO WORK IN RIGHT OF WAY  
**AGENDA:** MAY 21, 2013 COMMITTEE OF THE WHOLE  
**DATE:** MAY 15, 2013

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**ISSUE**

Should the Village Board allow residents to plant in Village right of way on Chelsea Avenue.

**DISCUSSION**

At the May 7, 2013 Committee of the Whole Meeting, a resident requested permission from the Village Board to plant flowers in the Village right of way on Chelsea Avenue.

At this time, Staff is not recommending allowing this type of activity at Chelsea Avenue. The main reasons would be safety related. In addition, salt concentration in this area is high due to IDOT and Village snow and ice control procedures. This could destroy the plants and render the soil unsuitable for growing.

Staff suggests that if residents are interested in beautification activities, they could either plant in an alternative site such as Veterans Park or approach the Park District for such activities.

**COST**

There are no costs associated with this discussion.

**RECOMMENDATION**

The Village Board denies beautification activities in the Chelsea Avenue right-of-way and support alternative sites for community involvement.

## Mike Ferencak

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**From:** Steve Andersson [saa@mickeywilson.com]  
**Sent:** Thursday, April 18, 2013 5:01 PM  
**To:** Mike Ferencak  
**Cc:** Richard Young  
**Subject:** RE: Sugar Grove Center Sign

Mike,

Per our telephone conversation (and your email below), I understand that the Plan Commission wanted my offices opinion on McDonalds/Sugar Grove Center Minor PUD Amendment. Apparently the Attorney for McDonalds suggested that the sign in question could have a red background based on the current language in the ordinance and that no amendment would be necessary. Staff's opinion is that a tan background is required under the ordinance.

Specifically, the Attorney opined that Section 6 (pages 5 and 6) of the PUD states "There shall be color restrictions on any wall or ground signs." The Attorney further opined that Exhibit C-3's requirements (where it states a tan background is required) only applied to the individual panel that such statement pointed at.

My opinion is as follows:

- 1) Staff's interpretation is correct based on the language of the whole ordinance interpreted as a whole and based on the history of the matter.
- 2) While the language quoted above does exist, it must be interpreted in the context of the exhibit that is only specifically referenced in the very same section. When one reviews that Exhibit C-3, it calls out that "TEXTURED TAN COLOR ALUM. CABINET WITH CUT OUT PUSH THROUGH TRANSLUCENT INTERNALLY ILLUMINATED SIGN PANELS NOTE JEWEL OSCO LETTERS TO BE RED TENANT SIGNS MAY VARY IN COLOR." While this quoted language has an arrow pointing at the Jewel portion of the sign, the language clearly also references the tenant signs. As such any argument that this language does not apply to the tenant signs is not correct.
- 3) The language in the ordinance (Page 6) seems inconsistent with the exhibit. When courts construe agreements and documents, the goal is to read them in a way that is consistent and give full effect to the terms of the contract. Moreover, when it is not possible to construe portions of a contract consistently, the more specific provisions control over the more general provisions.
- 4) Applying the above rule of statutory construction, the exhibit will control over the text. Also the text can be read consistently by allowing any sign color as to 1) typeface (but not background) and 2) any signs not specifically called out in the exhibit (i.e. future sign requests and amendments—future requests and approvals are contemplated in the ordinance). So, for example, the Village could use that language to grant future signs (as has been requested here) that would allow any color without violating the terms of the ordinance. Of course, the Village is not obligated to grant such a request (as also occurred here).
- 5) Also to the extent that this inconsistency exists, a concept called "parole evidence" can be used to explain the matter further. This means using the testimony of the persons involved in the negotiations and drafting to explain what was intended. I understand that such testimony would also evidence the intent that, while typeface could be any color, backgrounds must be tan. The whole purpose of the signage requirements in the PUD was to provide overall consistency as to background for uniformity and ease of readability. This further supports staffs opinion.
- 6) As to the language of the exhibit. It notes that Jewel Osco letters are to be red but tenant signs may vary in color. Again, as explained above, the context of this language makes clear that when it speaks of tenant signs it is likewise referencing the typeface, not the background. The only mention of the "cabinet" in the statement is that it be "tan." As

we have already established that the statement applies to the whole sign (not just the Jewel Osco portion), then the whole cabinet must be tan. Again, to the extent that is vague, the testimony of the persons involved would be used to clarify the notes.

Either way, the answer remains the same, i.e. the background must be tan unless the Village approves an amendment otherwise, which has not occurred.

7) Lastly, I would note that the actual panel proposed by Jewel is not a "cut out push through translucent internally illuminated sign panel" but is actually a raised panel sign and does not meet those standards regardless.

Please feel free to forward this as you see fit.

Regards,

Steve

**Steven A. Andersson**

*Mickey, Wilson, Weiler, Renzi & Andersson, P.C.*

<http://www.mickeywilson.com>

2111 Plum Street, Suite 201, P.O. Box 787

Aurora, IL 60507-0787

Tel: 630/801-9699

Fax: 630/801-9715

**STAFF REPORT TO THE SUGAR GROVE PLANNING COMMISSION  
FROM MIKE FERENCAK, VILLAGE PLANNER**

**GENERAL CASEFILE INFORMATION**

Commission Meeting Date: April 17, 2013

Petition Number: 13-003

Project Name: Sugar Grove Center Minor PUD Amendment

Petitioner: McDonald's USA, LLC

Request: 1. Minor PUD Amendment for Sugar Grove Center PUD (Ordinance 2004-0921C)

Location: All Sugar Grove Center addresses (request is specific to one sign at 160 E. Galena Boulevard)

Parcel Number(s): All Sugar Grove Center parcels (request is specific to one sign at 14-16-401-007)

Size: 1,418,401 square feet or 32.56 acres

Street Frontage: 930 feet along Galena Boulevard, 1012 feet along Capitol Drive, 1,459 feet along Park Avenue, 838 feet along State Route 47

Current Zoning: B-3 Regional Business District PUD

Contiguous Zoning: NORTH: (across Park Avenue) B-3 Regional Business District PUD, R-3 Medium Density Residential District PUD  
SOUTH: (across Galena Boulevard) unincorporated Kane County R-1 Residential District, B-3 Regional Business District, and B-1 Community Shopping District  
EAST: R-3 Medium Density Residential District PUD  
WEST: (across State Route 47) B-3 Regional Business District PUD, B-3 Regional Business District

Current Land Use: Retail and office center

Contiguous Land Use: NORTH: (across Park Avenue) Open / vacant, Waterford Place townhomes  
SOUTH: (across Galena Boulevard) Agricultural, Castle Bank, Phillips 66  
EAST: Townhomes in Windsor Pointe

WEST: (across State Route 47) The Landings retail and office center, Castle Bank

Comp Plan Designation: Corridor Commercial

Exhibits: Special Use (Minor PUD Amendment) application submitted March 5, 2013  
Proof of Ownership  
Letter from Property Owner dated February 26, 2013  
Proposed (Installed) Sign Panel Plan dated February 8, 2012  
Sugar Grove Center PUD Signage Plan dated May 18, 2004, recorded October 20, 2004  
Photo of Sign with Installed Sign Panel dated October 18, 2012  
Photo of Sign prior to Installed Sign Panel dated April 14, 2008  
Area Map

### **CHARACTER OF THE AREA**

Sugar Grove Center is the Village's largest retail and office development and is located northeast of the Phillips 66 subdivision at the northeast corner of State Route 47 and Galena Boulevard. There are other commercial developments in the immediate area.

### **DEVELOPMENT PROPOSAL**

The Planning Commission will consider a request for:

1. Minor PUD Amendment for Sugar Grove Center PUD (Ordinance 2004-0921C)

This PUD Amendment would amend Ordinance 2004-0921C as necessary for a request to allow an advertising sign panel that does not comply with the PUD Sign Plan.

### **HISTORY**

The applicant, McDonald's USA, LLC, is proposing to amend the Planned Unit Development Ordinance approved on September 21, 2004 for the Sugar Grove Center development to allow a nonconforming advertising sign panel on the Sugar Grove Center subdivision sign that is located on Lot 10 of Sugar Grove Center at 160 E. Galena Boulevard.

The sign panel advertises McDonald's. It was installed without Village permit and without owner permission in March 2012. A similar sign panel was also installed without Village permit and owner permission on the subdivision sign located on Lot 7 at 451 N. State Route 47, however this sign panel will be removed and is therefore not before the Commission for minor amendment.

Sugar Grove Center was granted Preliminary PUD and Final Plat approval on September 21, 2004 (Ordinance 2004-0921C). McDonald's is located on Lot 5 and was granted Final PUD and Major PUD Amendment approval on December 7, 2010 (Ordinance 2010-1207). The McDonald's site was originally planned to be a Jewel Express convenience store / gas station.

## **EVALUATION**

### **Ownership**

The subject sign is located on Lot 10. Lot 10 is owned by BCB Development III, LLC (MB Financial Bank). MB Financial Bank acquired it from the previous bank which acquired it from the original developer. The subdivision's Declaration of Restrictions and Grant of Easements provides for the private control of the sign. By standard Village policy, the Village will not issue a permit without the approval of the private property owner. In this case, MB Financial Bank, has provided correspondence that they have no objection to the sign panel on Lot 10.

### **PUD Requirements**

#### Ground Advertising Signs

Sugar Grove Center was approved with two large subdivision signs (Sign "A" and Sign "D" on the PUD Sign Plan, attached). Sign "A" is located at 451 N. State Route 47 (Lot 7), which is the vacant lot south of Chase Bank. Sign "D" is located at 160 E. Galena Boulevard (Lot 10), which is the vacant lot south of Jewel. Sign "D" reserved one sign panel for the planned Jewel Express. Since MB Financial Bank owns both subdivision signs, they explained to McDonald's in the February 26, 2013 letter that the McDonald's sign panel could only be placed where the Jewel Express sign panel would have been on Sign "D". MB Financial Bank has directed McDonald's to remove the sign panel on Sign "A". The Village will also direct that the Sign "A" sign panel be removed by the end of this month and it is therefore not part of this amendment.

#### Amendment

The amendment is requested by McDonald's to allow the nonconforming advertising sign panel to remain on the sign along Galena Boulevard. If the amendment is approved, a permit from the Village will still be required.

The PUD Sign Plan calls for "Textured tan colored aluminum cabinets with cut out push through translucent internally illuminated sign panels. Note: Jewel Osco letters to be red, tenant signs may vary in color." Staff has interpreted the last sentence to be applicable to the lettering only. In other words, the last sentence means the letters may vary in color, but does not address the background color. The background color is addressed by the first sentence.

The sign panel installed by McDonald's has a red background with yellow and white lettering. The yellow and white lettering is prism-like and protrudes from the background surface. The background surface also protrudes from surface of the other sign panels. The red background, raised lettering, and raised surface are not consistent with the requirements of the PUD Sign Plan. Please refer to the photo dated October 18, 2012 (attached) for a depiction of this.

McDonald's has not presented any particular justification as to how the sign panel would further the goals of the comprehensive design for the PUD. If McDonald's had applied for a Village permit staff would have reviewed the proposed sign and commented as to its nonconformity, preventing any further expenditures of time and money.

Staff is recommending denial of the amendment to the Sugar Grove Center PUD to allow the nonconforming advertising sign panel, as it does not match the approved PUD standards with a consistent style. Future sign panel users need to match these standards to keep from creating an inconsistent look.

**PUBLIC RESPONSE**

As a Minor PUD Amendment, this request does not require a public hearing. Staff has not received any public inquiries regarding this proposal.

**STAFF RECOMMENDATION**

Staff recommends denial of the Minor PUD Amendment.

112.5"



24.25

18" YELLOW PRISMATIC FACE

RED PAN FACE

8-1/2" WHITE PRISMATIC COPY



DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For window requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings.

These drawings and designs are the exclusive property of Everbrite, Inc. Use of, or duplication in any manner without express written permission of Everbrite, Inc. is prohibited.

Customer: MCDONALD'S

Project No: 279278

Scale: 1" = 1'

Date: 02.08.12

Drawn By: eo

Location & Site No: SUGAR GROVE, IL  
NN34643-1

Description: CUSTOM TENANT  
PANEL

Customer Approval: NOTE: Unless specified by customer, all depth of embossing will be determined by Everbrite Engineering or existing customer specifications on file. Colors and graphics on file will be used unless otherwise specified by customer.

Please read carefully, check appropriate box and fax back to Everbrite:

- Sketch OK as is
- New sketch required

Revised:

SIGNATURE

Revised:

DATE

adjacent land uses for each lot within the PROPERTY shall be as identified on the P U D Plan attached as **Exhibit B-1**. If IDOT requests DEVELOPER to convey property or condemns property for additional right-of-way, the required setbacks for the PROPERTY as shown on the P U D Plan shall always be measured from the existing property line so that the PROPERTY shall continue to comply with this Ordinance and shall not be considered non-conforming by the VILLAGE

- f) Number of Buildings Each zoning lot, with the exception of Lot 14, may contain one principal building, together with any accessory uses
- 5) Parking and Loading Berth Requirements Off-street parking and loading spaces shall be provided in accordance with the following

Except as expressly deviated in this Ordinance, the off-street parking regulations shall be governed by the regulations provided in Chapter 11 of the Sugar Grove Ordinance

- (1) Drive-thru Any facility containing a drive thru drugstore shall contain stacking for a minimum of 2 cars per service window
- (2) Location of Parking Parking for any use can be located either 1) on the lot upon which the use is located, 2) on other lots of the PROPERTY with a properly recorded cross-access easement for parking between the two lots
- (3) Loading Berths Off-street loading areas shall be provided at either the rear or side of the principal buildings for each lot or any adjoining lots, except as deviated by this Ordinance, however, off-street loading docks shall not be required to be provided. The required number of loading berths for a particular use is provided in the Deviation List attached as **Exhibit F**. The off-street loading areas on the Approved Final Plans and as depicted on **Exhibit B-1** are hereby approved by the VILLAGE for Lot 1. Receipt or distribution of materials or merchandise by US mail trucks, commercial express vehicles, United Parcel vehicles and the like shall be permitted at locations other than the required off-street loading locations
- (4) Grocery Store Parking Requirements 4.74 cars per 1,000 square feet, including the expansion area for Jewel/Osco on Lot 2
- (5) All restaurants (fast food, sit-down, carry-out, live entertainment and banquet hall) parking requirements - 10 spaces per 1,000 square feet (Lot 10 shall not have more than 8,000 square feet of any type of restaurant use).
- 6) Signs DEVELOPER, its grantees, successor and assigns, shall be permitted to construct, operate and maintain temporary and permanent signs upon the various

portions of the PROPERTY owned or controlled by it pursuant to a written agreement or easement 12 ground signs, in the locations shown on Exhibit B-1 (P U D. Plan) and as depicted on Exhibit C-3 are approved for Lots 1 through 15 Exhibit C-3 references one type "A" sign, nine type "B" signs, one type "C" sign and one type "D" sign. The dimension and the style of type A, B, C and D signage is shown in Exhibit C-3 The wall and canopy signage for the Lots 1, 2, 5, 10 and 15 as depicted on Exhibit C-4 is approved. Additionally, the east wall signage elevation of Lot 10 shall be permitted to have the same size wall signage as the south elevation of Lot 10 depicted in Exhibit C-4. The wall signage for Lot 11 shall be permitted to have signage consistent with the minimum square footage, size and dimensions as depicted in Exhibit C-4. The north wall signage shall be permitted to have the same size signage as on the south elevation of Lot 11 All other signage for the PROPERTY shall comply with the Sugar Grove sign ordinance This provision does not apply to directional signage which each lot shall be permitted, in accordance with the Sugar Grove Sign Ordinance DEVELOPER shall be permitted to provide internal or external lighting (but not both) of any ground signs Wall signage shall be internally illuminated There shall be no color restrictions on any wall or ground signs No exposed neon signs, strobing or flashing lights shall be permitted on the PROPERTY The DEVELOPER shall also be permitted to post up to three "for sale/lease" signs (including any signs in windows of vacant units) which shall not exceed 50 square feet for each sign on the PROPERTY Said "for sale/lease" signs shall only be permitted when vacancies or land for sale exists The billboard located on Lot 9 shall be removed prior to the issuance of a building permit for any Lot on the PROPERTY

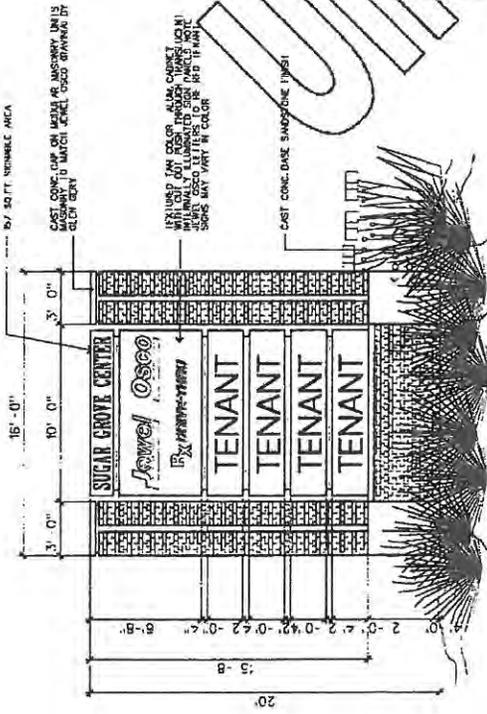
- 7) Public Improvements All Public Improvements shall be constructed as required on the Final Engineering plans for the PROPERTY as approved by the Village Engineer
- 8) Landscaping Landscaping shall be designed installed and maintained in accordance with Exhibit B-2. In order to insure continuity of style, maturity and uniformity between lots, the perimeter landscaping and landscaping in areas to be dedicated to the VILLAGE on the Final Landscape Plan, shown on Exhibit C-2 (except landscaping shown for Lot 10) shall be installed prior to occupancy of any buildings on the PROPERTY, weather permitting, or, in the event of adverse weather conditions, within sixty (60) days following the commencement of the next successive planting season following issuance of such occupancy permit The perimeter landscaping and landscaping to be dedicated to the VILLAGE on the Final Landscape Plan shown on Exhibit C-2 for Lot 10 shall be installed no later than (one) 1 year after issuance of the occupancy permit for the Jewel/Osco Building (Lot 1) The interior lot landscaping plans to be submitted to the VILLAGE Staff, Plan Commission and Village Board, pursuant to the Final PUD procedures of the Sugar Grove Municipal Code, shall contain all of the information reasonably necessary to assess its compliance with this Section of the Ordinance Such plan shall be in substantially the same format as the Perimeter Landscaping Plan The interior lot landscaping standards for Lots 3, 4, 6, 7, 8, 9,

2004K137061

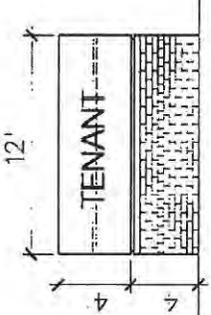
SANDY REGHAN  
RECORDER  
KANE COUNTY, IL

RECORDED ON  
10/28/2004 10:35AM

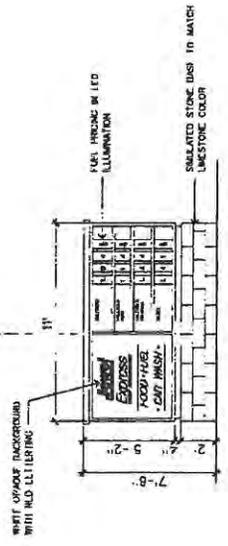
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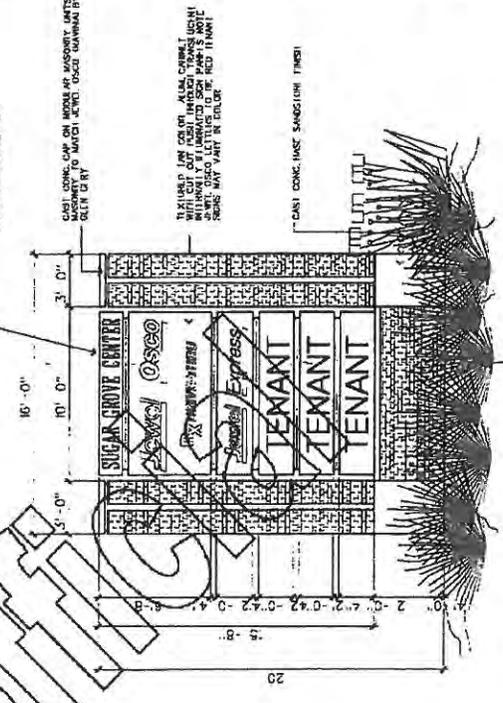
SIGN "A"  
ALUM. CABINET. TRANS. REAR INTERNALLY  
ILLUMINATED. SIGN PANELS 15"



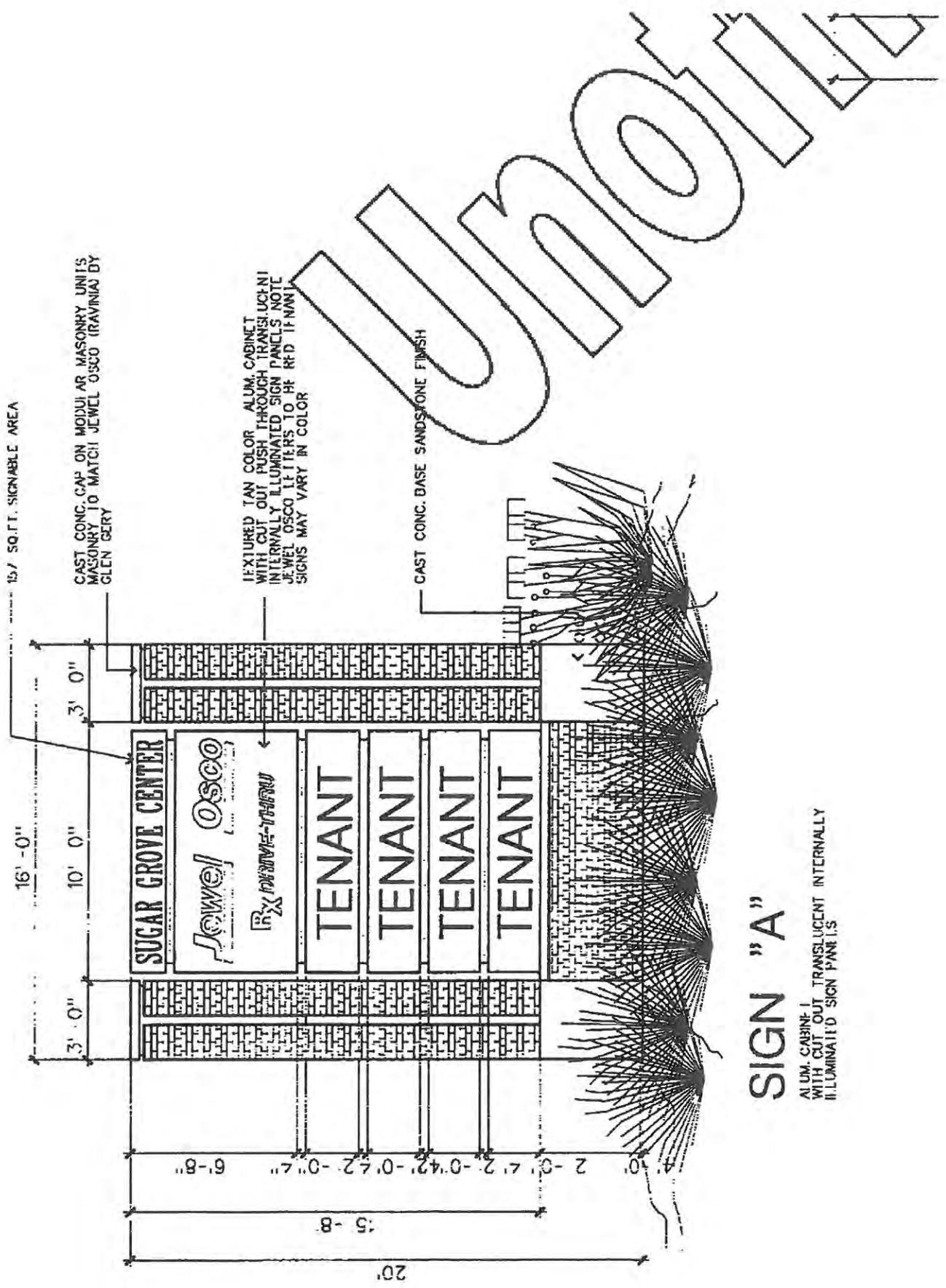
PAD SIGN "B"  
ALUM. CABINET. TRANS. REAR INTERNALLY  
ILLUMINATED. SIGN PANELS 15"  
TENANT AREA MAY BE USED BY  
ONE OR TWO INDIVIDUAL TENANTS  
WITHIN 4' X 8' AREA



SIGN "C"  
ALUM. CABINET. TRANS. REAR INTERNALLY  
ILLUMINATED. SIGN PANELS 15"



SIGN "D"  
ALUM. CABINET. TRANS. REAR INTERNALLY  
ILLUMINATED. SIGN PANELS 15"



SUGAR GROVE CENTER

***Jewel Osco***

**R<sub>x</sub>** DRIVE-THRU



**McDonald's**

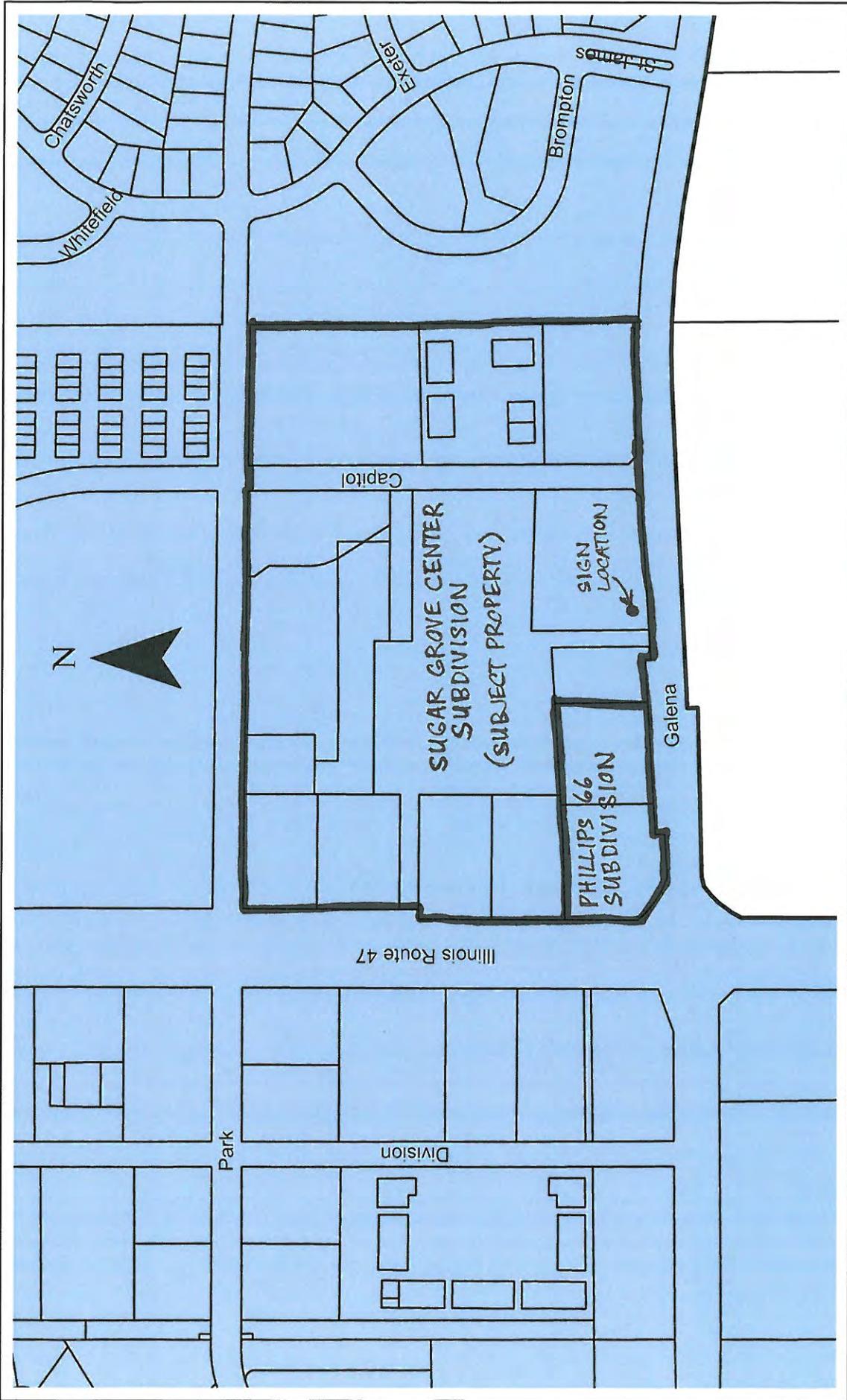
10/18/2012 10:45

SUGAR GROVE CENTER

***Jewel Osco***

**Rx** DRIVE-THRU

04/14/2008 10:58



Illinois Route 47

Capitol

SUGAR GROVE CENTER  
SUBDIVISION  
(SUBJECT PROPERTY)

PHILLIPS 66  
SUBDIVISION

SIGN  
LOCATION

Galena

Division

Park

Brompton

Exeter

Whitefield

Chatsworth

St James

Village of Sugar Grove  
Public Works Department

**MEMORANDUM**

May 17, 2013

TO: Village President and Board of Trustees

FROM: Anthony Speciale, Public Works Director

RE: **PUBLIC WORKS DEPARTMENT STAFF REPORT**

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The following is a short summary of current projects that the Public Works Department is addressing:

Meetings:

On May 9, 2013 I attended the Chamber Lunch Meeting. President Michels presented his annual State of the Village Report.

On May 16, 2013 Brad Merkel met with Brent Eichelberger, Rich Young, Justin VanVooren, Michele Piotrowski and Steve Andersson to review the status of the Hannaford Farm subdivision. The revised punch list and status of the bonds were discussed.

Training:

On May 13, 2013 Randy Gauer, Jake Rossler and Richard Jimenez attended Confined Space Entry & Non-Entry training. The program teaches basic procedures, atmospheric testing and safety requirements associated with confined space activities. All participants are now certified to enter spaces classified as confined spaces.

Streets & Properties:

Mallard Point / Rolling Oaks Wetland Restoration:

This project was awarded at the December 18, 2012 Board Meeting. A project coordination meeting for the wetland restoration was held January 7, 2013. EnCap began work on January 8, 2013. The prescribed burn was completed on April 5, 2013. EnCap is continuing work on preparing the ground in the shoreline/mudflat areas and installing seed. Neslund and Associates were on site May 14, 2013 to begin restoration of the park areas. The roadway patching is scheduled to be completed by June 3, 2013. Depending on weather, this project is expected to be complete in August, 2013.

#### Cross / Route 47 Intersection Improvements Project:

A Pre-Construction meeting was held April 29, 2013 for this project. Curb and gutter removal began on May 6, 2013 and sidewalk / drainage excavation work began on May 17, 2013. The project is anticipated to be completed by September 2013.

#### 2013 MFT / Pavement Maintenance Program:

This project was discussed at the April 16, 2013 Board Meeting. The 2013 Program will consist of micro-surfacing all of the Bliss Woods subdivision and portions of the Dugan Woods subdivision, extensive patching on Fay's Lane and overlaying Joy Street and Joy Court. Staff and EEI have finalized the field measurements and quantity calculations for this project. Bid documents are nearing completion and the project is anticipated to be advertised for bid by May 24, 2013.

#### Grants:

*2014-2018 CMAQ Grant* – Application has been submitted and review is on-going. This is an 80/20 matching grant in which the Village is hoping to construct a shared use path and bridge over the Blackberry Creek.

*National Fish and Wildlife Fund Grant* – Application has been submitted and review is on-going. Staff is asking for \$50,000.00 to help offset the cost of the Mallard Point Wetland Restoration project. This is a matching grant also and the funds allocated for the original project will be used to account for the Village's share.

#### EAB:

Staff has continued developing the list of White and Purple Ash trees for treatment. The inspections are being completed geographically beginning in Walnut Woods, Bliss Woods and Black Walnut / Windstone areas. The soil drench chemical has been purchased and is ready for application. Treatments are expected to begin in the last week of May 2013.

#### Mosquito abatement:

Staff has completed certification for pesticide treatments and the materials have been orders. Catch basin treatments are scheduled to begin the week of May 24, 2013.

#### Utilities:

##### Well #8 Pump Maintenance and Media Replacement:

Staff inspected the pump, motor and column pipe at Layne's shop on Friday February 2, 2013. The Well #8 Pump Inspection Report and Repair Recommendations, the Phase II Equipment Repair Proposal and Task Order detailing the description of work and associated costs were presented at the February 19, 2013 Board Meeting. Phase II of the project includes equipment repair and overhaul, sand bailing the well; pump installation and performance testing for an estimated cost of \$63,591.00. The pump and motor installation began on Monday February 25, 2013. Test pumping was completed on March 4, 2013; the test results indicated the pump capacity had been restored to its original 730 gallons per minute. The media replacement was completed on April 5, 2013. Staff is currently test pumping the plant to waste to get proper calibration and sampling. The project is scheduled for completion by May 24, 2013.

On May 14, 2013 Staff repaired a water service leak on McCannon Street. The ¾" copper service developed a leak at a connection.

Staff completed monthly shut-off notice to 48 delinquent accounts, 5 services have been disconnected.

Staff has completed 63 JULIE locate requests in May.

Staff collected monthly water samples as required by the IEPA.

Staff completed monthly water meter reads.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG, COMMUNITY DEVELOPMENT DIRECTOR  
MIKE FERENCAK, VILLAGE PLANNER  
**SUBJECT:** DISCUSSION: PROPOSED MINOR AMENDMENT TO THE  
SUGAR GROVE CENTER PLANNED UNIT DEVELOPMENT  
(PUD) – MCDONALD’S PYLON SIGNAGE  
**AGENDA:** MAY 21, 2013 COMMITTEE OF THE WHOLE MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Should the Village amend the Sugar Grove Center PUD.

**DISCUSSION**

The applicant, McDonald’s USA, LLC, is proposing to amend the Planned Unit Development Ordinance approved on September 21, 2004 for the Sugar Grove Center development. Sugar Grove Center is a commercial subdivision consisting of Jewel and adjacent buildings, nine outlots (including Chase Bank, Chesterbrook Academy, and McDonald’s), and the Capitol Professional Center office park, all located northeast of Phillips 66 and Castle Bank at the northeast corner of State Route 47 and Galena Blvd.

There are two signs that serve the entire subdivision, one is located on Lot 10 at 160 E. Galena Blvd. and the other is located on Lot 7 at 451 N. State Route 47. Both Lots are owned by BCB Development III, LLC (MB Financial Bank).

The applicant is proposing to amend the PUD Ordinance (portions attached) to allow a nonconforming advertising sign panel on the subdivision sign located on Lot 10. The sign panel advertises McDonald’s (plan and photos attached). It was installed without Village permit and without property owner permission in March 2012. A similar sign panel was also installed without Village permit and without property owner permission on the subdivision sign located on Lot 7, however this sign panel will need to be removed per the property owner and is therefore not part of this request.

The PUD Ordinance requires sign panels to be tan in background color (the McDonald’s sign is red), and requires the letters to be cut-out push-through (the McDonald’s sign has raised letters on top of a raised background).

The request by the applicant is to amend the PUD to allow the installed sign panel to remain as is. Staff recommended to the Plan Commission denial of the requested Minor PUD Amendment. Please refer to the Plan Commission staff report (attached) for a detailed review. The Plan Commission reviewed this request at the April 17, 2013 meeting and recommended denial of the Minor PUD Amendment by a vote of 3-2.

At the Plan Commission meeting, the applicant's attorney presented reasons why he believes staff's interpretation of the PUD text and plan is incorrect. After the Plan Commission meeting, the Village Attorney provided a detailed review of why staff's interpretation is correct (attached).

The existing PUD requirements were developed to provide attractive, effective signage, during development and at full buildout. Staff recommends that the Board not only consider the effects of the proposed change on the current sign, but what the ultimate impact will be when the remaining panels are utilized.

## **ATTACHMENTS**

1. Village Attorney emailed review dated April 18, 2013
2. Staff Report to the April 17, 2013 Plan Commission meeting
3. Proposed (Installed) Sign Panel Plan dated February 8, 2012
4. Pages 5 and 6 of Sugar Grove Center PUD Ordinance 2004-0921C
5. Sugar Grove Center PUD Sign Plan dated May 18, 2004, recorded October 20, 2004 (including enlargement)
6. Photo of sign with Installed Sign Panel dated October 18, 2012
7. Photo of sign prior to Installed Sign Panel dated April 14, 2008
8. Area Map

## **COST**

This project did not require a public hearing. Costs have been paid by the applicant.

## **RECOMMENDATION**

That the Committee of the Whole review this item and place it on the June 4, 2013 regular Village Board meeting agenda, and that the Board deny the request.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG, COMMUNITY DEVELOPMENT DIRECTOR  
MIKE FERENCAK, VILLAGE PLANNER  
**SUBJECT:** ORDINANCE: CONFIRMING VALIDITY OF TAX INCREMENT  
FINANCING DISTRICT (TIF) #1 ORDINANCES  
**AGENDA:** MAY 21, 2013 REGULAR VILLAGE BOARD MEETING  
**DATE:** MAY 17, 2013

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**ISSUE**

Should the Village confirm the validity of the TIF District #1 Ordinances 2012-0117A, 2012-0117B, and 2012-0117C.

**DISCUSSION**

On January 17, 2012, the Village Board approved three ordinances for TIF District #1. Ordinance 2012-0117A approved the TIF plan and program. Ordinance 2012-0117B designated the area of the TIF. Ordinance 2012-0117C adopted the TIF financing.

In early 2012, the three ordinances were filed with the Tax Extension Division of the County Clerk's office. In June 2012, the County Director of Tax Extension notified staff of two concerns which became apparent when reviewing the map and legal description provided as appendices to each ordinance. To address one problem, staff verified the previous annexation of some railroad land. To address the other problem, staff corrected a scrivener's error. Attorney Andersson confirmed that Board action was not required. Staff recorded the three ordinances including the correction with the County Recorder's office and re-filed them with the County Director of Tax Extension.

In April, 2013, while reviewing the TIF Increment, staff noted that six parcels' tax bills did not include the TIF line item. When contacted, the County Director of Tax Extension explained what likely happened is the GIS Department did not understand the re-filing was different than the first filing and therefore continued using the first filing (with errors) as the basis for the tax bills. To ultimately correct the problem, she explained they would need an Ordinance Confirming the Validity of the three TIF Ordinances (as recorded). Both the Village Attorney and County Director of Tax Extension have reviewed the ordinance and stated it will accomplish the wanted result of having an accurate TIF line item in future years. The base year will continue to be 2010 for all parcels. The ordinance is attached.

**COST**

An estimated \$500 in attorney fees, which will be charged to TIF #1, was required for this item.

## **RECOMMENDATION**

That the Board adopt Ordinance 2013-0521\_, An Ordinance Confirming Validity of Ordinances 2012-0117A, 2012-0117B, and 2012-0117C for the Sugar Grove Industrial Redevelopment Project Area #1.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** CINDY GALBREATH, VILLAGE CLERK  
**SUBJECT:** PUBLIC OFFICE APPOINTMENTS  
**AGENDA:** MAY 21, 2013 CONSENT AGENDA  
**DATE:** MAY 15, 2013

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**ISSUE**

Shall the Village Board make appointments to various Public Offices as required by State Statute and Village Code.

**DISCUSSION**

Village Code and State Statute require certain Public Office positions to be appointed by the Village President with the advice and consent of the Board. There are no set term lengths for any of these offices and all serve at the pleasure of the President and Board.

As a new term of office has begun it is appropriate to consider the appointment of the Village Clerk, Treasurer, Consulting Engineer, Attorney, Ethics Officer, Freedom of Information Officer(s), Shed Hearing Officer, and Building and Zoning Official. Although the Public Works Director is a department head position, the office is not an appointed position. The Chief of Police shall be appointed at a later date.

Ratification of an appointment does not override any contract that an employee or consultant may enter into with the Village. Code clearly state that the public office appointments serve at the pleasure of the President and Board.

Village Administrator  
Brent Eichelberger

Village Treasurer  
Justin VanVooren

Freedom of Information Officers  
Cynthia Galbreath  
Tom Barna

Village Engineer  
Engineering Enterprises, Inc.

Village Clerk & Ethics Officer  
Cynthia Galbreath

Shed Hearing Officer & Building and Zoning Official  
Richard Young

Village Attorney  
Mickey, Wilson, Weiler, Renzi and Andersson, P.C.

**COSTS**

There are no associated costs.

**RECOMMENDATION**

That the Village Board upon recommendation of Village President Sean Michels ratifies the following appointments:

Village Administrator  
Brent Eichelberger

Village Treasurer  
Justin VanVooren

Freedom of Information Officers  
Cynthia Galbreath  
Tom Barna

Village Engineer  
Engineering Enterprises, Inc.

Village Clerk & Ethics Officer  
Cynthia Galbreath

Shed Hearing Officer & Building and Zoning Official  
Richard Young

Village Attorney  
Mickey, Wilson, Weiler, Renzi and Andersson, P.C.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** CYNTHIA GALBREATH, VILLAGE CLERK  
**SUBJECT:** RESOLUTION: AUTHORIZING EMPLOYMENT AGREEMENTS  
**AGENDA:** MAY 21, 2013 CONSENT AGENDA  
**DATE:** MAY 15, 2013

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**ISSUE**

Should the Village approve Employment Agreements for Senior Management personnel.

**DISCUSSION**

In accordance with state statute the employment agreements cannot be extend past the current mayoral term. On February 19, 2013 employment agreement riders to extend the termination of the contracts from April 30, 2013 to July 31, 2013 were approved for the Village Administrator, Community Development Director, Finance Director and Director of Public Works.

As a new term of office has begun it is appropriate to consider the approving the contracts for the Village Administrator, Community Development Director, Finance Director, and Director of Public Works.

**COST**

Cost of this item is estimated at \$250 in legal services which will be charged to account # 01-50-6301 GF Administration Legal Services.

**RECOMMENDATION**

That the Board by consensus approve Resolution 20130521AA Authorizing Employment agreements for the Village Administrator, Community Development Director, Finance Director and Director of Public Works.



**RESOLUTION NO. 20130521AA  
AUTHORIZATION TO ENTER INTO EMPLOYMENT AGREEMENTS**

**BE IT RESOLVED**, by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois as follows:

**WHEREAS**, the President and Village Board desires to employ Mr. Brent Eichelberger as the Village Administrator of the Village of Sugar Grove; and

**WHEREAS**, the President and Village Board desires to employ Mr. Richard Young as the Community Development Director of the Village of Sugar Grove; and

**WHEREAS**, the President and Village Board desires to employ Mr. Anthony Speciale as the Public Works Director of the Village of Sugar Grove; and

**WHEREAS**, the President and Village Board desires to employ Mr. Justin VanVooren as the Finance Director of the Village of Sugar Grove; and

**WHEREAS**, the Village of Sugar Grove Board has determined that it is in the best interests of the Village to enter into an employment agreements with these individuals.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Sugar Grove, as follows:

1. That the Village President and Village Clerk are hereby authorized to sign the Employment Agreements as attached.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, on this 21st day of May, 2013.

\_\_\_\_\_  
P. Sean Michels, President of the Board of Trustees  
of the Village of Sugar Grove, Kane County,  
Illinois

	Aye	Nay	Absent
Trustee Bohler	_____	_____	_____
Trustee Herron	_____	_____	_____
Trustee Johnson	_____	_____	_____
Trustee Montalto	_____	_____	_____
Trustee Geary	_____	_____	_____
Trustee Paluch	_____	_____	_____

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath, Clerk, Village of Sugar Grove

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** ANTHONY SPECIALE, DIRECTOR OF PUBLIC WORKS  
GEOFF PAYTON, STREETS & PROPERTIES SUPERVISOR  
**SUBJECT:** APPROVAL: IL 47 & CROSS STREET BARRIER WALL OPTION  
**AGENDA:** MAY 21, 2013 VILLAGE BOARD MEETING  
**DATE:** MAY 15, 2013

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**ISSUE**

Should the Village approve a change order for a decorative option for the barrier wall being constructed as part of IL 47 / Cross Street Project

**DISCUSSION**

At the April 16, 2013 Committee of the Whole Meeting, Engineering Enterprises, Inc. provided information on the decorative options for the barrier wall including decorative treatments, an estimate of costs and the procedure for changing the design. The items discussed included a decorative form for the concrete to give the appearance of stone and staining the finished project for color and visual impact.

These changes increase the contract by \$33,086.70. The additional \$33,086.70 for this addendum would need to be included to account 35-53-7008: Streets/ROW Improvements. The awarded construction cost is \$1,082,661.88.

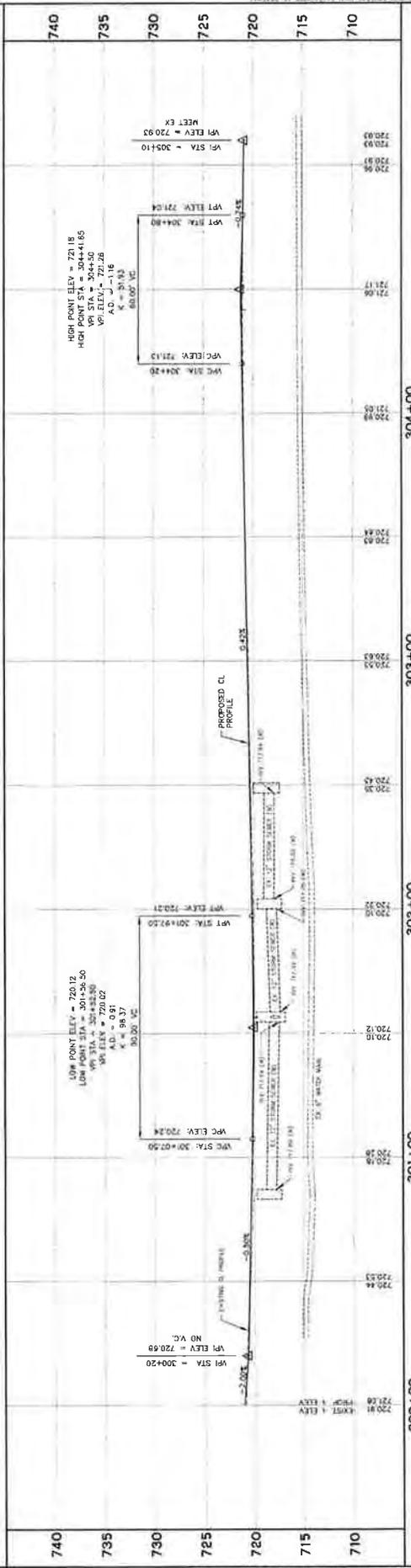
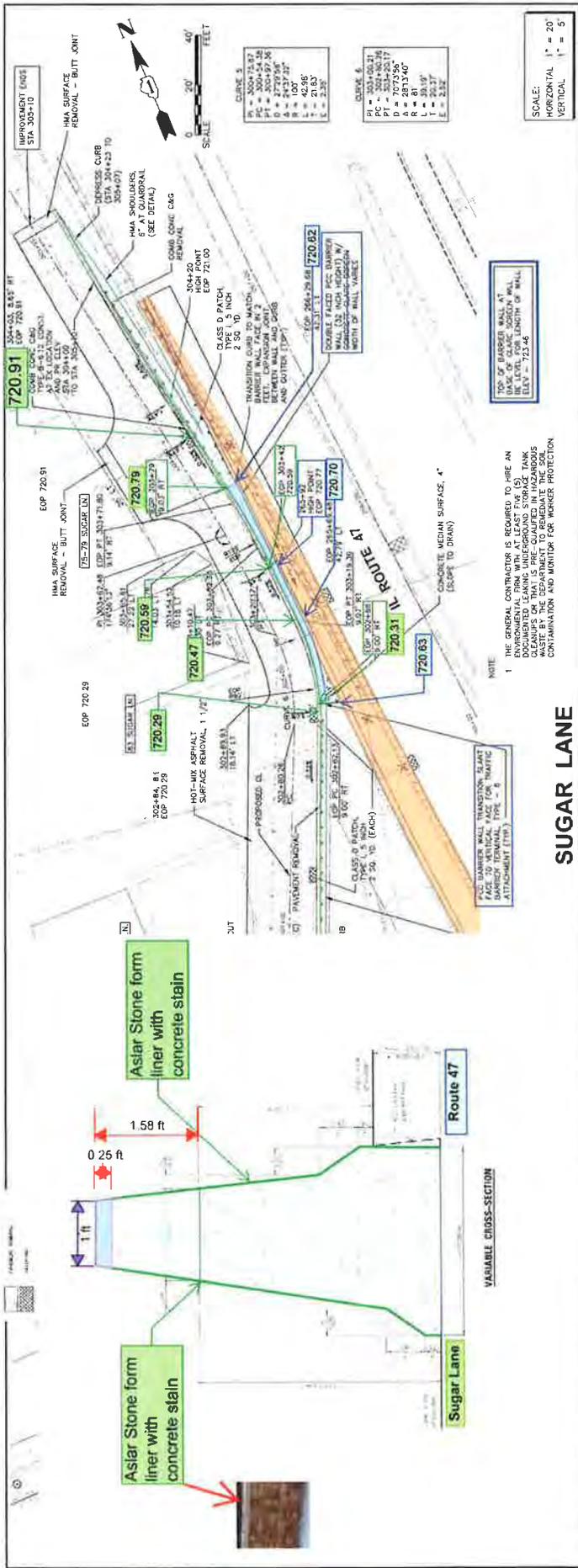
If the decorative option is approved, the Village will be required to take over future maintenance responsibilities from IDOT. While it is impossible to develop cost projections, staff believes that any major costs would be the result of damage where the responsible party would likely be identified and responsible.

**COST**

The FY 2013-14 budget \$1,248,224.00 in account 35-53-7008: Streets/ROW Improvements. .

**RECOMMENDATION**

The Village Board approves the decorative option for the barrier wall and authorizes Staff to execute the change order for construction.



REVISION	DATE	BY	CHKD	APP'D
REVISION				
REVISION				
REVISION				

DESIGNED BY	DRAWN BY	CHECKED BY	DATE
Engineering Solutions, Inc.			
2500 N. Lincoln Ave., Suite 100			
Chicago, IL 60642			
www.esolutions.com			

PROJECT NO.	SECTION	COUNTY	SHEET NO.	TOTAL SHEETS
100-000000-000	100-000000-000	COOK	10	10

SCALE: HORIZONTAL 1" = 20'  
 VERTICAL 1" = 5'

STATE OF ILLINOIS  
 DEPARTMENT OF TRANSPORTATION

SUGAR LANE - PLAN AND PROFILE

300+00 301+00 302+00 303+00 304+00



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**ORDINANCE NO. 2013-0521\_**

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**AN ORDINANCE GRANTING AN AMENDMENT TO THE  
CAPITOL PROFESSIONAL CENTER PUD  
ORDINANCE 2007-0123D  
IN THE VILLAGE OF SUGAR GROVE**

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this 21<sup>st</sup> day of May, 2013.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove,  
Kane County, Illinois  
This 21<sup>st</sup> day of May, 2013.

**ORDINANCE NO. 2013-0521\_**

**AN ORDINANCE GRANTING AN AMENDMENT TO THE  
CAPITOL PROFESSIONAL CENTER PUD  
ORDINANCE 2007-0123D  
IN THE VILLAGE OF SUGAR GROVE**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, HPRI, LLC (Dr. Hem and Priti Aggarwal ), owner of a portion of the property legally described in SECTION ONE of this ordinance, has petitioned for a minor amendment to the Capitol Professional Center PUD Ordinance 2007-0123D; and

**WHEREAS**, the remainder of the PUD is owned by BCB Development I, LLC and the Capitol Professional Center Office Association and both of these owners have stated no objection to the minor amendment; and

**WHEREAS**, the amendment requested is a revision to conditions 1 and 10 of the ordinance regarding approved plans and signage, respectively; and,

**WHEREAS**, the amendment requested is specific to Units A & B of the building on Lot 2 of the PUD only; and,

**WHEREAS**, the Plan Commission has reviewed this minor amendment at their meeting on March 20, 2013, and the Commission recommended approval by a vote of 6-0; and,

**WHEREAS**, the Village Board has reviewed this request and has deemed that the approval of the amendment as stated in SECTION TWO is in compliance with the Comprehensive Plan and all Ordinances of the Village of Sugar Grove.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: LEGAL DESCRIPTION**

That the property is legally described as follows:

See Exhibit "A".

## **SECTION TWO: PLANNED DEVELOPMENT**

That Capitol Professional Center PUD Ordinance 2007-0123D Exhibit B is hereby amended as follows:

Condition 1 is hereby repealed and replaced in its entirety as follows:

“The Major PUD Amendment and Final PUD shall substantially conform to the Site / Engineering / Landscape / Photometric Plan, by Craig R. Knoche & Associates, Sheet c0.1 to Sheet c7.5 and Plat of Resubdivision, dated July 7, 2006, last revised October 18, 2006, October 30, 2006, and November 6, 2006; the Architectural Elevation Plan (Exterior Elevations) by the Architectural Associates Group, Ltd., dated October 11, 2006; the Floor Plan, by Architectural Associates Group, Ltd., date stamped September 25, 2006, the Ground Signage Plan, by the Architectural Associates Group, Ltd., date stamped September 25, 2006, the Wall Signage Plan, by \_\_\_\_\_, dated \_\_\_\_\_; and the Trash Enclosure Section Plan, by the Architectural Associates Group, Ltd., date stamped September 25, 2006, except as such plans may be revised to conform to Village codes and ordinances and the conditions below.”

Condition 10 is hereby repealed and replaced in its entirety as follows:

“Ground signage shall meet the requirements of the Sugar Grove Center PUD. If alternate signage is desired along Capitol Drive, then the sign style shall be approved by the Sugar Grove Center developer and approved by the Village prior to permitting.

Wall signage shall only be allowed for Units A & B of the building on Lot 2. The wall signs may be installed on the south and west walls of Units A & B below the soffit. One (1) sign shall be allowed on each wall that advertises the use located in Units A & B. The signs may not be internally illuminated, shall be flush / flat to the wall, and shall be allowed to remain for three (3) years from the date of this ordinance. The applicant may request an extension of the three (3) year allowance one (1) month prior to the expiration if the planned ground sign for the Capitol Professional Center has not been constructed by that time.”

## **SECTION THREE: REPEALER**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

## **SECTION FOUR: SEVERABILITY**

Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

**SECTION FIVE: EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of May, 2013.

\_\_\_\_\_  
P. Sean Michels  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane  
County, Illinois

	Aye	Nay	Absent
Trustee Bohler	_____	_____	_____
Trustee Geary	_____	_____	_____
Trustee Montalto	_____	_____	_____
Trustee Johnson	_____	_____	_____
Trustee Herron	_____	_____	_____
Trustee Paluch	_____	_____	_____

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath  
Clerk, Village of Sugar Grove

**Exhibit A- Legal Description**

LOTS 1 THROUGH 5 OF CAPITOL PROFESSIONAL CENTER, BEING A RESUBDIVISION OF LOT 13 OF SUGAR GROVE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED MAY 16, 2007 AS DOCUMENT 2007K053027, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.