

**July 17, 2012
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: President Michels, Trustee Renk Trustee Paluch, Trustee Renk, Trustee Bohler, Trustee Johnson, Trustee Montalto, and Trustee Geary.

Absent: Trustee Bohler
Quorum Established.

Also Present:

Administrator Eichelberger, Attorney Andersson, Finance Director VanVooren, Community Development Director Young, Clerk Galbreath, Engineer Burroughs, and Director of Public Works Speciale.

PUBLIC HEARINGS

None

APPOINTMENTS AND PRESENTATIONS

Mary Robb of Pace explained the ride share programs available thru PACE and distributed literature.

PUBLIC COMMENTS ON ITEMS SCHEDULED FOR ACTION

President Michels called for any public comments on items scheduled for action (all items were then read and announced). Louse Hoffman and Lousie Majarzik, both stated that support of Wine in the Grove. President Michels called for any additional comments and hearing none, closed this portion of the agenda.

CONSENT AGENDA

- a. Approval: Minutes for June 19, 2012 Meeting
- b. Approval: Vouchers
- c. Approval: Treasurer’s Report
- d. Resolution: Capital Asset Policy
- e. Resolution: Capital Improvement Program (CIP)
- f. Resolution: Temporary Use – Special Event at 65 1st Street/American Legion on July 21, 2012
- g. Resolution: Temporary Use – Special Event at 65 1st Street/American Legion on August 11, 2012
- h. Resolution: Temporary Use – Special Event at 85 Main Street/Sugar Grove Corn Boil July 27, 28, & 29, 2012
- i. Ordinance: Amending 1-8-2 of the Village Code - Adopting Procedures for Public Comment

Trustee Johnson **moved to approve the Consent Agenda as presented.** Trustee Renk seconded the motion. President Michels then called for a roll call vote.

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

Motion Carried.

GENERAL BUSINESS

Resolution Approving a Contract for Construction Oversight – MP/RO Area Drainage Project STAR & Subject to USACOE Permit

Trustee Montalto moved to approve Resolution # 20120717PW2 uthorizing an agreement for construction observation of the Rolling Oaks / Mallard Point Drainage Project with Trotter and Associates, Inc subject to Attorney Review. Trustee Johnson seconded the motion. Mr. Mark Bushnell of Trotter stated that the Army Corp Permit has been received. Trustee Geary asked if the dewatering process would still be needed with the recent drought conditions. Mr. Bushnell stated yes, dewatering would still be needed. Mr. Bushnell further stated that the contractor as stated that they would ready one week after notification and would then begin their notification to subs. It will take approximately a month to fully mobilize. The work will begin at the south end and take approximately one month to reach the wetland area. Trustee Geary stated the Village should expedite the process. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Resolution Approving a Contract for Construction – MP/RO Area Drainage Project STAR & Subject to USACOE Permit

Trustee Geary moved to approve Resolution # 20120717PW1 authorizing an agreement with Neslund & Associates, 115 S River Street, North Aurora, Illinois 60542, in the amount of \$1,142,184.09 for the construction of the drainage improvements for the Mallard Point/Rolling Oaks Area Drainage Project subject to Attorney Review. Trustee Renk seconded the motion. President Michels called for discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Trustee Geary left the meeting at this point in time.

Ordinance Amending Title 11 of the Village Code, Ordinance 20120717D – Special Use for a Wine Shop

Trustee Johnson moved to An Ordinance Amending Title 11 of the Village Code – Special Use for a Wine Shop, subject to attorney review. Trustee Renk seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Ordinance Granting a Special Use for a wine shop (with service) at 34 Terry Drive

Trustee Johnson **moved to adopt an Ordinance Granting a Special Use for a Wine Shop, with Service at 34 Terry Drive, subject to attorney review.** Trustee Renk seconded the motion. Community Development Director Richard Young presented a request for a Special Use to the Board. The applicant, Gayle Deja-Schultz, is requesting a Special Use under the proposed Text Amendment for a wine shop with service, as well as one Variance related to parking for the use (both indoor and outdoor on the proposed patio) and four Variances related to the proposed outdoor patio itself. The wine shop would occupy the vacant tenant space at 34 Terry Drive in the 26-46 Terry Drive building.

The specific requests are:

1. Text Amendment to add Wine Shops (with or without service) as a Special Use as a Special Use to Section 11-8-4-D B-1 Community Shopping District, Section 11-8-5-D B-2 General Business District, and Section 11-8-6-D B-3 Regional Business District of the Sugar Grove Zoning Ordinance.
 - a. This request is for language change in the Village Code. The Board agreed that the change to add this Special Use is appropriate

2. Special Use to allow a proposed wine shop with service in the B-3 Regional Business District, pursuant to Section 11-8-6-D of the Sugar Grove Zoning Ordinance (as amended).
 - a. The Board agreed that this Special Use as requested is appropriate.

3. Variance to reduce by 100% the parking space quantity requirement for this use from 22 parking spaces to 0 parking spaces, pursuant to Section 11-12-5 of the Sugar Grove Zoning Ordinance
 - a. The applicant has requested a variance to reduce the parking requirement to zero spaces.
 - b. Staff believes that some additional amount of parking will be needed for this use and that zero required spaces is not reasonable given that the overall building/site, which includes four apartments, a gym, offices and other uses does not meet current parking code standards. Therefore, Staff is recommending that the agreement for 10 offsite spaces be required.
 - c. The Village Board discussed the parking and the need to insure that there is sufficient parking so as not to disturb other businesses or the residents in the area. The applicant stated that she has withdrawn her offer from the bank to allow overflow parking in their lot. She further stated that if parking continued to be an issue “it would be a deal breaker”. The Board stated that as there are other businesses and some open units parking could very well become an issue. All units parking must be considered and their rights protected for by the Board. The Board stated that they would put a condition in the special use that should parking become an issue and complaints received the petitioner would be notified and would have to provide parking within a reasonable but no more than 3 month period of time.

4. Variance to increase the maximum lot coverage from the 70% to a maximum of 85%, pursuant to Section 11-8-6-G of the Sugar Grove Zoning Ordinance.
5. Variance to allow construction of an accessory structure (patio) within five (5) feet of the property line, within an easement, pursuant to Section 11-4-7-G of the Sugar Grove Zoning Ordinance. Patio would be setback (0) feet from the property line.
 - a. The applicant has requested a variance to allow construction of the patio within five (5) feet of the property line, within an easement.
 - b. Staff recommends that the five (5) foot setback be maintained because a reasonably sized patio could still fit within the fenced in area with the setback in place and it lowers the overall square footage used to calculate the number of parking spaces needed and lot coverage.
 - c. The Village Board debated the setback and the petitioner stated that without it again, it could be a deal breaker as the smaller one would not allow space for tables. The petitioner stated that because of the Village insistence that the establishment be handicapped assessable the smaller patio would not work. It is noted that the Village must enforce ADA requirements. The petitioner stated she only had so much in funding to sink into this venture that she felt would be a plus for the Village. After much debate it was decided the variance would be granted as requested.
6. Variance to increase the maximum fence height from the required three (3) feet in the corner side yard to a maximum six (6) feet, pursuant to Section 11-4-13-B of the Sugar Grove Zoning Ordinance.
 - a. This variance was approved as requested.
7. Variance to waive the requirement for landscape screening around the outdoor dining area, pursuant to Section 11-4-7-K of the Sugar Grove Zoning Ordinance.
 - a. The applicant has requested a variance to waive the landscape screening around the outdoor fenced in patio area.
 - b. Staff recommends approval of the variance on the north (Rt. 56) and east (backside of the building) sides of the patio. Staff believes that a minimal amount of landscaping could be added in the small three (3') foot by eighteen (18') foot area between the parking area and the fenced in patio to improve the look of the area.
 - c. The Board debated the landscaping and stated that the landscaping must be placed on the Westside of the patio and if a vinyl fence is used, no landscaping will be needed in the other area.

Staff and the Village Attorney were directed to prepare the needed paperwork and to complete the process. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Ordinance Granting Variances for 26-46 Terry Drive

Trustee Johnson **moved to Adopt an Ordinance Granting Variance for 34 Terry Drive, subject to attorney review.**

Trustee Renk seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Ordinance Amending the Code of Ordinances 3-2, Liquor Control

Trustee Johnson **moved to Adopt Ordinance 20120717B, An Ordinance Amending Title 3 Chapter 2 of the Village Code Concerning Wine & Beer Specialty Shop Liquor Classification.** Trustee Renk seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Resolution Amending Classes and Number of Liquor Licenses for the 2012-2013 Licensing Year

Trustee Johnson **moved to Adopt a Resolution, 20120717A, Amending the Number of Liquor Classification for the 2012-2013 Licensing Year.** Trustee Paluch seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Approval Liquor License for Wine in the Grove *STAR

Trustee Johnson **moved to Approve a Class P liquor License for Wine in the Grove 34 Terry Drive as recommended by President Michels in his capacity as Liquor Commissioner.** Trustee Paluch seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

The petitioner Gayle Deja-Schultz asked for confirmation that the Village as they are requesting 2 bathrooms will take a letter from a neighboring business that it is okay to use their bathroom. Staff explained that it is state plumbing code that calls for 2 bathrooms and the Village cannot override plumbing code. The code states there must be 2 bathrooms within no more than 100 feet. Should a letter be received stating that a bathroom is available and will be accessible during hour of Wine in the Grove open hours it will be acceptable.

Closed Session Personnel

Trustee Renk **moved to adjourn to closed session to discuss personnel per the exceptions to the Open Meeting Act, and to reconvene to possible take action.** Trustee Johnson seconded the motion. The roll was then called.

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

Motion Carried.

Reconvene

Trustee Renk **moved to reconvene to Open Session.** Trustee Johnson seconded the motion. President Michels called for a roll call.

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

Resolution Authorizing an Employee Leasing Agreement

Trustee Jonson **moved to Approve a Resolution Authorizing an Employee Leasing Agreement with Gov Temp.** Trustee Renk seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Appointment Interim Chief of Police

Trustee Johnson **moved to confirm President Michels appointment of Ronald A. Moser to Chief of Police for Sugar Grove.** Trustee Renk seconded the motion. President Michels called for further discussion and hearing none, called for a roll call vote.

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

Motion Carried.

Mr. Ronald A. Moser was then sworn in by President Michels as the Police Chief of Sugar Grove.

NEW BUSINESS

None.

TRUSTEE REPORTS AND COMMENTS

It was asked how the new sign in Entrance Park was progressing. Staff stated that the sign should be running within the next few weeks.

Trustee Montalto asked about “people signs” – those that stand on corner in costume or holding signs and if there was something the Village could do to regulate them and to make sure they are safe. Attorney Andersson stated that this type of attention getting device really cannot be regulated – first amendment, they are really like people who wear clothing with advertisement on, like t-shirt to a place or thing the like. As far as their safety, that would be a matter for the labor relations board. He further asked about funding for sidewalks as there a few that need to be replaced due to tripping hazards.

UPDATES

Trustee Johnson gave a Chamber update.

Trustee Geary stated fireworks funds are still being sought by the Lions Club and that a determination will be made in the next few days if it is too dry to hold the fireworks on July 28th as scheduled..

AIRPORT REPORT

No report

PUBLIC COMMENTS

None.

Adjournment

As there was no further business meeting was moved to be adjourned by Trustee Johnson and seconded by Trustee Renk at 8:00 p.m. All members in attendance voted Aye in a voice vote.

June 19, 2012

Committee of the Whole

7:45 p.m.

President Michels opened the meeting and asked that be called.

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

Quorum Established.

Also Present:

Administrator Eichelberger, Attorney Andersson Finance Director VanVooren, Community Development Director Young, Clerk Galbreath, Engineer Burroughs, and Director of Public Works Speciale.

Public Comment

None.

Discussion: Amending Subdivision Standards for Sidewalks and Pathways

The Board reviewed the proposed amendment to the subdivision standards to amend the subdivision standards for sidewalks and pathways. The modification to both the text and the graphics are acceptable. Staff was asked to place an ordinance amending on the next formal agenda.

Discussion: Minor PUD Amendment – College Corners

The Board reviewed the request from the petitioner for an amendment to College Corners PUD. The Board determined that all requests were acceptable, however, would like the light condition of the PUD defer to such time when a project is submitted. Staff was asked to place an ordinance amending on the next formal agenda.

Adjournment at 8:15 pm

Respectfully Submitted, Cynthia Galbreath, Village Clerk