

**June 18, 2019
Board Meeting
Village of Sugar Grove
5:00 PM**

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

Present: President Michels, Trustee Lendi, Trustee Herron, Trustee Montalto, Trustee Walter, Trustee Konen and Trustee Koch

Quorum Established.

Also Present:

Administrator Eichelberger, Clerk Galbreath, Chief of Police Rollins, Public Works Director Speciale, Community Development Director Magdziarz, Utilities Supervisor Merkel and Senior Management Analysts Murphy.

PUBLIC HEARINGS

None.

APPOINTMENTS AND PRESENTATIONS

Proclamation: Recognizing Village Attorney Steve Andersson

President Michels read a proclamation recognizing the achievements of Mr. Steve Andersson. Mr. Andersson thanked the Board for allowing him to serve as the Village Attorney for 25 years.

PUBLIC COMMENTS

President Michels called for public comments on items scheduled for action

CONSENT AGENDA

- a. Approval: Vouchers
- b. Approval: Treasurer's Report
- c. Ordinance: Amending Tobacco Sales Regulations
- d. ~~Resolution: Review and Release of Closed Session Minutes~~

Trustee Montalto **moved to Approve the Consent Agenda as presented.** Trustee Herron seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Walter				
	Lendi				
	Montalto				
	Koch				

Motion Carried.

Resolution for the Review and Release of Closed Session Minutes

Review and Release of Closed Session Minutes – Tabled by unanimous vote of all members present.

GENERAL BUSINESS

Resolution Authorizing a Lease Agreement for 160 S. Municipal Drive Unit 101

Trustee Herron moved to adopt Resolution Authorizing a Lease Agreement for 160 S. Municipal Drive Unit 101. Trustee Montalto seconded the motion. President Michels then called for a roll call vote.

AYE:	Konen	NAY:	None	ABSENT:	None
	Herron				
	Walter				
	Lendi				
	Montalto				
	Koch				

Motion Carried.

DISCUSSION ITEMS

Development Options for the Property West of IL 47 North of US 30

Community Development Director Magdziarz explained that the subject property, commonly known as the Prairie Grove property, is 40 acres, more or less, located on the west side of Sugar Grove Parkway between Galena Boulevard and US 30. It also includes several acres on the north side of Galena Boulevard between Walgreens and Sugar Grove Senior Apartments. In 2009, an annexation agreement and a PUD plan were approved by the Village Board for a very specific commercial development (Prairie Grove). Any proposal to develop the property different from the approved plan will require amending the annexation agreement and the PUD plan.

Following the Great Recession, the property was returned to the bank and the bank has been attempting to dispose of the property ever since. There has been some interest in the property by commercial and industrial developers over the years but the inherent obstacles to developing this property have discouraged serious interest, until now. Given these obstacles, and to help facilitate development of the property, it was included in TIF #2 when it was established in 2015.

The contract purchaser, National Shopping Plazas (NSP), has been actively marketing the property for more than a year. During that time, NSP conducted their due diligence and discovered a number of obstacles to developing the property. One of the obstacles is access to Sugar Grove Parkway (IL 47). Specifically, access that is more than a right-in/right-out design. NSP and the Village together undertook several traffic engineering studies (performed by HR Green) to verify access to IL 47 south of Galena

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Boulevard can be accomplished in accordance with established IDOT requirements and policies. That documentation was provided to IDOT in December 2018 and we still await IDOT's response.

Other development obstacles include poor soils (bearing capacity), distance to nearest sanitary sewer collection point, and extending Division Drive to intersect with IL 47 is response to one of IDOT's concerns about access to IL 47.

A representative from National Shopping Plaza then made a presentation to the Village Board to explain their development concepts for the property that may or may not be of interest to Board members. Highlights of his presentation included, requesting the removal of the zoning of PUD, understanding that the Board will continue to work towards access for the South piece of the parcel. Understating that if development occurred on the south piece that TIF funding may be needed. He also explained that the TIF would be needed especially as the soils in the area are not good and normal slab on grade units could not be built. Additionally, the land is not annexed to Fox Metro and currently has no Sanitary Sewer access.

He stated that he is trying to help the Village plan to Economic development by bring commerce into the area that would bring sales tax and eventually the school district would get much needed funds. The building on the North Side would be 3 buildings. He stated he has one tenant that is an auto parts store and another possible tenant show is also a national tenant.

He stated he was here this evening to see if the Board is in favor of this type of development and working with him to get the removal of the PUD and allow straight zoning. If the Board is not on board then the development will not work and he would not continue to pursue purchasing the property.

Trustee Herron stated that the Village already has an auto parts store, and that would seem to be that we could be saturated with this type of store.

Mr. Hanis stated auto parts store live with competition and are used to it. They are one of the stores that are pretty internet proof. The store does not only sell to store customers they supply dealers and repair shops in the area.

Trustee Konen asked why such an issue with a PUD. Mr. Hanis stated the way the PUD is configured it allows for only big box stores and that will not work in today's environment. Trustee Konen stated why not just change the lay out. Mr. Hanis stated that he does not want to be handcuffed to a play. Trustee Konen stated she prefer the PUD as it gives the Board more power to keep Sugar Grove unique. Mr. Hanis said that the Board has their vision and that is good however that vision could be put in zoning or by requiring architectural stated.

Trustee Konen asked what Mr. Hanis wanted from the TIF. Mr. Hanis stated that TIF dollars do not come out of the budget and that. Trustee Koen stated she understood how a TIF worked howler removing the PUD and using TIF funds could be a detriment

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to the School District. Mr. Hanis said no TIF funds would be used on the Northern Parcel.

President Michels asked what his vision was for the south property. Mr. Hanis said the way development is going nationally there will be no big boxes. His company builds smaller out lot type of stores that feed off of each other.

Trustee Lendi stated that she prefers PUD for large pieces of property. It tells the Board what will be built and everything that that is proposed must be discussed and approved prior to being built.

Trustee Montalto stated people want items like a craft or shoe store. Mr. Hanis replied that those type go to higher population areas.

Trustee Walter stated he worked at one time for a large supplier and he agreed that Auto Store are internet proof currently. The Village wants stores that have a nice appearance and good curb appeal.

Mr. Hanis stated that he and his partner had attended the ICSC and met with 35 companies and had some very candid discussion. It is the smaller developers that are interested in Sugar Grove and the smaller store feed on each other needs.

Administrator Eichelberger stated that the PUD has an existing site plan and the Village also has an architectural review process. The 2 biggest issues appear to be the site plan layout and the control over architecture appearance. It also appears that no incentive for the 3 Northern lots are being sought.

Mr. Hanis stated that yes, no incentives on the Northern lots, however he must insist that there is no PUD. He would like to create a timetable in which the Board and he can work towards an agreement in an accelerated manner.

President Michels stated that Board needs to have assurance that they will have development standards.

Hannaford Annexation Agreement Amendments

Community Development Director Magdziarz stated that following the failure of the original subdivider of the Hannaford Farm subdivision to perform its obligations under the terms of the annexation agreement and the subdivision regulations of the Village, the Village Board approved an alternative method of financing the completion of the public improvements in Hannaford Farm. All of the unimproved lots were required to equally share the cost of completing the public improvements and are required to pay a fee-in-lieu-of development before a building permit will be issued, which fee is used to reimburse the current developer for the costs to complete the public improvements. As a means to enforce this agreement, the Village placed a *lis pendens*, a lien, against all of the unimproved lots in the Hannaford Farm.

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Since this plan was implemented a number of lot owners elected to pay the FILOD upfront, but most have paid the prevailing FILOD at the time of building permit (a building permit is not issued unless the FILOD is paid). When the FILOD is paid, the Village will release the *lis pendens* and the encumbrance is removed.

It has come to our attention that a number of recent building permits have been issued and FILOD's paid but the Village did not release the *lis pendens*. Since the lot owner has completed their obligation, the Village needs to do the same.

Because of the manner in which the FILOD obligation was established, i.e., in the annexation agreement amendment, the Village needs to initiate the annexation agreement amendment process to remove the *lis pendens* for the affected lots. It is our intention to first notify each of the affected lot owners of this oversight and our intention to correct it. The affected lot owners will not be expected to do anything as we complete the process, other than execute the annexation agreement amendment that applies to their lot.

The Village Board direct staff to notify affected lot owners in Hannaford Farm of the Village's intention to correct an oversight, and to begin the process to amend the annexation agreement in order to remove the *lis pendens* for the affect lots.

REPORTS

President Michels inquired as to the status of the MFT program. Director Special stated that it should start end of June and Annette's Watermain project should begin in July.

Trustee Koch reminded all about the Chamber Golf outing on Thursday. Trustee Montalto stated that Groovin in the Grove went well.

Trustee Walter asked for clarification on straight zoning, does that mean that the it is more general and developers get to decide who comes. President Michels explained that zoning ha categories and yes it if fits they can build.

Administrator Eichelberger stated that as far as incentive it would never be recommended that an incentive be given for a type of business that was already in Sugar Grove or for a business that was not a preferable one.

Trustee Konen asked if there are architectural standards in B-3 zoning. Director Magdziarz stated no, only in a PUD.

Administrator Eichelberger stated that Sugar Grove is unique in that it has a lot of PUDs. Director Magdziarz stated PUDs stated in the 70' and have become very predominant and yet it is understood that some developers have a problem with PUDs today. Communities are pulling back on PUDs and working to be more flexible to spur development.

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President Michels stated that the Board needed to discuss cannabis sales. Staff will do some research and bring the item to the Board for discussion.

President Michels thanked Trustee Koch and Administrator Eichelberger for going to the Metro meeting and presenting the Village's position. Trustee Koch stated that from the feedback it appears Metra is not inclined to expand unless told to do so by the RTA. They would rather use the funding toward existing services.

AIRPORT REPORT

Mr. Wolf stated that instead of the early estimate that flights would be down at the Aurora Airport, flights have gone up. Mr. Andres and Mr. Wolf discussed having another tour of the Airport in late summer.

PUBLIC COMMENTS

An Audience member asked if the Batavia Boundary Agreement had been approved. The answer was yes.

ADJOURNMENT

Motion adjourn at 7:58 p.m. by Trustee Herron, seconded by Trustee Koch.

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