

**August 6, 2019
Board Meeting
Village of Sugar Grove
6:00 PM**

President Michels opened the meeting at 6:00 PM and asked that Trustee Koch 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:

Clerk Galbreath, Public Works Director Speciale, Community Development Director Magdziarz, Attorney Julien, Streets and Properties Supervisor Payton.

PUBLIC HEARINGS

Public Hearing: Hannaford Annexation Agreement Amendment – Lot #116

President Michels opened the Public Hearing and called for any comments regarding the Hannaford Annexation Agreement Amendment for Lot #116. Hearing no comments he then closed the Public Hearing.

APPOINTMENTS AND PRESENTATIONS

None.

PUBLIC COMMENTS

President Michels read the agenda items and the called for comments on those items on the agenda. Hearing no comments President Michels closed this portion of the agenda.

CONSENT AGENDA

- a. Approval: Minutes of the July 16, 2019 Meeting
- b. Approval: Vouchers
- c. Ordinance: Hannaford Annexation Agreement Amendment – Lot #116
- d. Resolution: Authorizing IML Conference Attendance
- e. Resolution: Approving a MOU with Kane County for Bike Share System Development
- f. Resolution: Approving a Copier Lease

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				
	Koch				
	Montalto				

Motion Carried.

GENERAL BUSINESS

None.

DISCUSSION ITEMS

Mallard Point Drainage Repairs

Director of Public Works Speciale gave a brief overview and then asked that Mr. Trotter of Trotter and Associates present an update on the status of the Mallard Point Drainage investigation.

It was explained that because of increased water elevations at the monitoring wells, a large depression on the main line just south and west of the pond, and phone calls from residents noting that their sump pumps have been running with an increased frequency, Staff conducted an advanced investigation of the Mallard Point drainage system. It was discovered that there is an issue with the pipe in the area of the depression that is impeding the free flow of water resulting in higher ground water levels.

Following consultation with Trotter and Associates Engineering, staff initiated temporary bypass pumping around the troubled area. This is successfully reducing ground water levels. Trotter and Staff agree that the next step of the repair is to replace approximately 400 feet of pipe between two existing manhole structures. The area must be dewatered before the repair can be made. Due to the nature of the work, most, if not all, of it will be on a time and material unit pricing basis rather than a not to exceed bid.

The ability to complete the repairs is further complicated by the impacts of weather. Given the complexity of the project and weather issues, along with the potential negative impacts of not completing the repair in a timely manner.

Mr. Guddendorf explained how Kane County has used foam to float and support pipes. He suggested that staff and Mr. Trotter look into this use.

Costs associated with this report are undetermined at this time, but are estimated at \$200,000 - \$300,000. The Village Board, by consensus, authorized staff to proceed with repairs to the Mallard Point Drainage System.

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Residential Driveway Curb Cuts

Director of Public Works Speciale stated that the Village ordinance does not allow for curb cuts without prior Village approval. Some property owners find the curb at the driveway to be problematic to cross for certain vehicles and have requested that they be allowed to cut the curb.

Due to the function of the curb as a part of the storm water infrastructure, the Village has consistently denied the requests. Several property owners have cut the curb without permission. Property owners who have cut the curb without permission are subject to a fine and restitution to cover the cost of replacing the curb back to the proper profile. The Village has not pursued remedy from the offending property owners. The number of requests from residents for curb cuts at driveways, as well as the number of residents who have cut their curbs without Village consent, has been increasing.

Owners who have been denied a curb cut permit have asked why the Village is not enforcing the Ordinance on those who have made curb cuts without permission. The Village could continue with

- 1) the current denial / no enforcement approach,
- 2) continued denial and enforcement of the code on all existing illegal curb cuts,
- 3) continued denial and “grandfathering” of existing illegal curb cuts, or
- 4) the development of an approval process allowing for curb cuts.

Director Speciale stated that if Option 4, the allowance of curb cuts, is desired staff will develop draft permit requirements such as the specific method and depth of allowed cuts, acknowledgement of potential drainage issues, and a waiver of liability for the Village. Staff is requesting the Village Board discuss residential curb cuts and direct Staff on how to proceed with future requests.

The Board discussed the item and agreed that Option 4 should be utilized. Staff was directed to prepare the appropriate means of moving forward with Option 4.

Cannabis Sales

Community Development Director Magdziarz stated that as the Board is well aware, the State of Illinois recently legalized recreational cannabis, and your counterparts in municipalities throughout the State have started to debate whether to “opt in” to allow such businesses. Municipalities cannot prohibit the use of recreational cannabis.

The statutes allow municipalities to decide whether recreational cannabis businesses are allowed to operate within their boundaries. One reason to favor such businesses is the potential tax revenue. The new state law allows municipalities to impose a 3-percent tax on cannabis sales on top of the already existing state and local sales taxes. Some officials worry that if they do not opt in, they will lose these new tax revenues to bordering communities. Cannabis sales are estimated to exceed \$1.6 billion in Illinois annually. Jobs are another key consideration. A 2018 study assessing the financial impact of legalizing marijuana in Illinois estimated cannabis sales could generate 19,500 new jobs in Illinois.

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While not a prevalent problem in Sugar Grove, many communities see new cannabis businesses as potential tenants in long vacant retail space and could help to activate dormant retail centers in those communities. To illustrate the potential tax revenue impact of this retail business, in a few Colorado communities the local taxes collected from cannabis businesses exceed sales taxes collected from all other businesses combined in the community.

If the Village opts in, it will face other important decisions. Among the first decisions will be, where can these businesses locate? The state statute already imposes restrictions on proximity to certain uses such as schools and day care facilities. Some municipalities may want to limit cannabis businesses to specific zoning districts. Municipalities will also have to decide what other conditions, e.g., performance standards, they will want to impose on cannabis businesses. On the other side of the debate are officials and citizens who raise arguments to opt out of allowing cannabis businesses. One argument is the impact that such businesses could have on a community's reputation.

A closely related concern is the social impacts such as increased addiction and other health related costs. If the Village Board decides to permit cannabis retail sales, the Zoning Ordinance would need to be amended to include this use. The following are a few of the decisions to consider with such an amendment: ♣ Definitions: retail, cultivation facility, manufacturing facility; ♣ Location of cannabis businesses: by zoning district; minimum separation requirements from like uses, schools, churches and parks, food service uses; ♣ Does Village establish a license requirement for cannabis businesses, similar to liquor licenses? ♣ Does Village permit dual licenses, i.e. an establishment that has a liquor license? ♣ Performance standards: min/max floor area; age of employees; facility requirements; operation of business, e.g. must show identification to enter, on-site use prohibited; limit sales directly to users; disposal requirements; hours of operation; ventilation requirements; facility monitoring and security requirements, etc.

Attorney Wilson stated there are 5 different licenses by the state and asked the Board to read the memo his firm issued today.

The Board discussed the information presented by Director Magdziarz and the information from the IML. Trustee Walter read a statement regarding cannabis sales and stated that he is firmly against allowing sales in Sugar Grove.

The Board was generally not in favor of allowing cannabis sales with the exception of perhaps medical within Sugar Grove. However staff was asked to provide additional information on the licensing requirements and timing.

Bike Path - IL 47 Rolling Oaks Road to Southern Village Limits

The widening of IL 47 from Cross Street to Galena Road could provide two lanes in each direction with a raised median, shoulder or curb and gutter, pedestrian / bicycle accommodations and intersection and safety improvements as needed. At the May 7, 2019 Village Board meeting, the Village Board authorized an agreement with IDOT for a shared use path from Cross Street to Rolling Oaks Road in conjunction with the IL 47 Widening project for an estimated cost of \$18,800. Since that time, Yorkville and Kane

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County have agreed to participate in the construction of the shared use path up to the southern limits of the Village. IDOT District 3 has reached out to Staff to see if the Village would be interested in completing the connection from Rolling Oaks Road to the southern Village limits. The estimated costs for this connection are \$25,300 for construction and engineering using an 80/20 split with IDOT. If we chose to do this at a later time, the costs are estimated at \$110,000 and would be 100% the Village's. The Village's total estimated future costs associated with the LOU for future improvements would be \$44,100 should the Board opt to complete the shared use path from Rolling Oaks Road to the Village southern limits. The funds would need to be included in the General Capital Fund in the future. In addition, the Village would need to fund in future budget years the long term maintenance associated with these improvements. Costs for long term maintenance are undetermined at this time. IDOT will provide an updated cost estimate at the end of Phase II Engineering, which is expected to take 18-24 months. At that time the Village will need to make a final decision on the path.

The Board agreed that the letter of understanding should be signed.

Amending Tax Increment Financing Districts Boundary

At the June 19, 2018 Board meeting, a presentation was given by Moran Economic Development regarding the proposed amended boundaries and eligibility study of Industrial TIF #2. The amended boundaries would be contiguous and provide greater economic development opportunities for currently included properties and adjacent nonperforming properties.

The proposed boundaries would move south to include the Village owned properties on 140 and 160 Municipal Drive, west to include farm land with potential development opportunities south of Route 30, and west of the current farm land north of Village Hall. Attached is a map showing the current TIF boundaries as well as the new proposed additions to the TIF boundaries. At the November 6, 2018 Board meeting, the Village Board approved the purchase of Lot 18 on Heartland Drive to provide access to the north end of TIF #2, as well as the property adjacent to the TIF and next to the middle school. This secondary access is in part intended to limit Harter Road use by future truck traffic to the adjacent property.

At that time, the Village Board also approved a resolution declaring the intent to reimburse the TIF for redevelopment costs and an interfund loan from TIF #1 to TIF #2 in an amount not to exceed \$150,000. The actual cost was \$139,729.83. If the boundary amendment is approved making the two TIF's contiguous, the interfund loan can effectively be paid by funds from TIF I, otherwise, it must be paid by General Fund or General Capital Infrastructure Fund monies. The amendment would also allow for consideration of other projects within TIF I & II.

No projects are being proposed at this time, but there has been discussion including signalized crosswalk at Municipal Dr. and Route 30, final buildout of the remaining approx. 3,000 sq. ft. of 160 Municipal Dr. building, extension of fiber network west along Route 30, extension of the sanitary sewer west along Route 30, etc.

The Board discussed the information presented and asked if would need to follow the same procedures as it was in establishing a TIF and if the time limits would be changed.

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It was answered that no the timeline would not change and yes the same procedures, including a public hearing needed to be followed.

REPORTS

Trustee Montalto gave an overview of Groovin' in the Grove and announced that this Friday would be the next concert.

Trustee Lendi asked if there was any progress on a light at Park and Sugar Grove Parkway. It was answered that options are still be explored.

AIRPORT REPORT

None.

PUBLIC COMMENTS

Ms. Molitor reminded the Board that on Thursday a presentation would be given at the community house by residents of the town of Elwood regarding their experiences in their town.

Mr. Morelli stated Corn Boil was a great event, it highlights the rural character of Sugar Grove. He asked again about secret meetings, that it isn't that he doesn't like Crown it is what they have in their annexation agreement and that Sugar Grove was being taken advantage of like county bumpkins. He asked if there was any progress on getting Crown Property to donate forest in the SE area to the Kane County Forest Preserve.

ADJOURNMENT

Motion adjourn at 7:10 p.m. by Trustee Herron, second by Trustee Koch.