

**MINUTES OF A REGULAR MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
March 19, 2019**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Gail Johnson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Physically Present: President Gail Johnson and Trustees Ryan Kauffman, Karin McCarthy-Lange, Pam Parr, Judy Sollinger and Joe West.

Absent: Trustee Luis Perez

Staff Present: Dan Di Santo, Village Administrator; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Runyon, Asst. Public Works Director; Mark Horton, Finance Director; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Jay Hoover, Building & Zoning Manager; Jenette Sturges, Community Engagement Coordinator, Marketing; Greg Jones, Village Attorney; and Marron Mahoney, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

There was no one who participated electronically.

RECOGNITIONS/APPOINTMENTS

There were no Recognitions/Appointments

PUBLIC FORUM

Public Forum was opened at 7:00 p.m.

Amir Ghaemi addressed the Board regarding the Imperial development project. He is concerned about the project; value of the property; incentivizing developers before taking care of the schools; requested the item be tabled until we can figure out how to help the school district.

Thomas Milschewski addressed the Board regarding the old Kendall County jail. He would like the Boards' support in preserving the building and its history; it is an important building for the County. He provided contact information for anyone interested in saving the building.

Kit Kuhrt addressed the Board regarding the Imperial development project. He asked that the item be tabled until we can figure out how to get the school their annual money from this property.

Judy Siedlecki addressed the Board regarding the newsletter; it is looking good; Village should send something out, monthly, letting people know what's going on in the Village; first started talking about development at Alexander Lumber in 2010; nothing happened; happy that something is happening on the property; should interview someone on the street and put it on Facebook.

There was no one else who requested to speak; the Public Forum was closed at 7:13 p.m.

STAFF REPORTS

Administrator Di Santo- went to Springfield Drive Down last week; lobbying legislators; talked to a lot of House and Senate members; spoke about pension reform, protecting municipal revenues, Metra

capital bill and its impact on local economy; eight legislators are in support; \$100 million needed; thank you to the Mayor and Board members who also attended.

On March 20, 2019, a downtown open house is being held to discuss construction projects and closed roads. Residents can come and ask questions. The Open House is at Eastview, 4029 Route 71, from 5pm-7pm; there will be no presentations.

CONSENT AGENDA

- G.1. March 2, 2019 Special Committee of the Whole Minutes
- G.2. March 5, 2019 Committee of the Whole Minutes
- G.3. March 5, 2019 Regular Village Board Minutes
- G.4. Ordinance Adopting the Official Village of Oswego Zoning Map (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-11**
- G.5. Ordinance Authorizing Disposal of Surplus; Public Works Vehicle. (First Read of Ordinance; Waiver of Second Read) **Ordinance No. 19-12**
- G.6. Ordinance Approving a Minor Amendment to the Final Plan and Subdivision Plat for Ashcroft Place (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-13**
- G.7. Resolution Approving a Memorial Day Parade and the Temporary Closure of U.S. Highway 34 in the Village of Oswego. **Resolution No. 19-R-16**
- G.8. Resolution Authorizing Participation in the Illinois Joint Purchase of 2,000 Tons of Bulk Rock Salt with an option to purchase 80-120% of the contract amount for the 2019-2020 Season. **Resolution No. 19-R-17**

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to approve the Consent Agenda; Approving the March 2, 2019 Special Committee of the Whole Minutes; Approving the March 5, 2019 Committee of the Whole Minutes; Approving the March 5, 2019 Regular Village Board Minutes; and approving the following ordinances and resolutions:

Ordinance No. 19-11; Ordinance Adopting the Official Village of Oswego Zoning Map (First Read of Ordinance, Waiver of Second Read)

Ordinance No. 19-12; Ordinance Authorizing Disposal of Surplus; Public Works Vehicle. (First Read of Ordinance; Waiver of Second Read)

Ordinance No. 19-13; Ordinance Approving a Minor Amendment to the Final Plan and Subdivision Plat for Ashcroft Place (First Read of Ordinance, Waiver of Second Read)

Resolution No. 19-R-16; Resolution Approving a Memorial Day Parade and the Temporary Closure of U.S. Highway 34 in the Village of Oswego.

Resolution No. 19-R-17; Resolution Authorizing Participation in the Illinois Joint Purchase of 2,000 Tons of Bulk Rock Salt with an option to purchase 80-120% of the contract amount for the 2019-2020 Season.

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None
Absent: Luis Perez

The motion was declared carried by an omnibus roll call vote with five (5) aye votes and zero (0) nay votes.

BILL LIST

H.1. Approve Bill List Dated March 19, 2019 in the Amount of \$699,135.49.

A motion was made by Trustee Parr and seconded by Trustee McCarthy-Lange to approve the Bill List Dated March 19, 2019 in the Amount of \$699,135.49.

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None
Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

J.1. Ordinance Granting a Preliminary/Final Subdivision Plat for the Burkhart Subdivision with Several Variances for 18 and 26 Tyler Street. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-14**

Director Zenner addressed the Board regarding variances for 18 and 26 Tyler Street. The subject property is one of the original lots. The property has been improved with two single-family residential homes on 18 and 26 Tyler. These homes were constructed in 1880 and 1850 respectively. The petitioner intends to subdivide the single lot into two parcels for each of the existing single-family homes. The lots would not meet several bulk regulations from the Zoning Ordinance and therefore, the petitioner is requesting several variances. Lot 1, for 26 Tyler, would be approximately 5,082 square feet in size. Lot 2, for 18 Tyler, would be approximately 3,696 square feet. The subdivision line for the parcel was established to maintain the existing single-family homes.

To establish the two parcels, several variances are needed. Variances include lot size, front, side, corner side, and rear yard setbacks, floor area ratio and ground coverage. The proposed variances would allow for the continuation of the legal non-conforming single-family residential homes and allow for the subdivision of the two homes onto separate residential lots. Staff believes that the requested variances and subdivision are in keeping with the character of the neighborhood that contains lots that contain reduced setbacks and smaller lot sizes than the current Code requirements. The variances would apply to the existing structures.

Board and staff discussion focused on the properties would not be demolished by the petitioner; would need to come back to the Board for approval of demolition. There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee Parr to approve an Ordinance Granting a Preliminary/Final Subdivision Plat for the Burkhart Subdivision with Several Variances for 18 and 26 Tyler Street. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None
Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

J.2. Ordinance Granting a Preliminary/Final Subdivision Plat for Old Village Hall Block Subdivision Located at Western Corner of Washington Street and Main Street (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-15**

Director Zenner addressed the Board regarding a plat for the Old Village Hall Block. The property is located at the western corner of Main Street and Washington Street, east of Adams Street. The property is currently improved with Firehouse Pizza and the former Chamber of Commerce building. In 2013, the Village approved a re-subdivision of the Original Town of Oswego creating separate lots

for each of the two remaining buildings. The petitioner is requesting a re-subdivision to alter the lot line between 63 and 65 Washington. The resulting subdivision creates Lot 1 for the proposed parking lot containing 9,318 square feet, Lot 2 for the Firehouse restaurant containing 9,439 square feet, Lot 3 for the proposed Mexican restaurant containing 9,129 square feet and Lot 4 containing 9,316 square feet for 113 Main Street. There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee Kauffman to approve an Ordinance Granting a Preliminary/Final Subdivision Plat for Old Village Hall Block Subdivision Located at Western Corner of Washington Street and Main Street (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

J.3. Ordinance Granting a Preliminary/Final Planned Unit Development (PUD) for the Adams Street Parking Lot Located at 110 Adams Street (First Read of Ordinance, Waiver of Second Read)
Ordinance No. 19-16

Director Zenner addressed the Board regarding a PUD for the Adams Street parking lot located at 110 Adams Street. The Village has been working on redevelopment proposals for two lots within Block 11; specifically, 63 W. Washington and 113 Main Street (the former Village Hall site). As part of the redevelopment, the Village has been working to provide public improvements to the remainder of the block. As part of the improvements, the Village is proposing to construct a public parking lot on 100 Adams Street. The proposed lot will contain 21 parking spaces and have vehicular access along the alley and Adams Street. The parking will be open to the public and serve the parking needs of the downtown area. The plan also includes a large trash enclosure. The enclosure will be utilized by multiple businesses, on the block, and will serve to consolidate the trash needs of the block.

At the November Planning and Zoning Commission meeting, the Commission discussed pedestrian access to the corner lot, the Firehouse Pizza parcel. The alley currently has a steep slope that could affect pedestrians. As part of the redevelopment, the alley's grade will be adjusted to be somewhat flatter than the current condition. Unfortunately, due to existing grades of the surrounding road network, the grades behind the Firehouse Pizza parcel will not meet the ADA requirements for pedestrians. Patrons who park in the Adams Street parking lot could utilize the walkway proposed along the east side of the Mexican restaurant, to be located on 63 Washington, then utilize the Washington Street sidewalk to access the front door of the Firehouse building.

Board and staff discussion focused on adding parking spaces; parking would be used by anyone; Village funds used to construct the parking lot; the TIF will repay the Village; utilities and parking costs, for the entire block, budgeted at \$1.2 million; subject properties are owned by the Village; Village properties are exempt from property taxes; \$0.00 in property taxes paid in the past. There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee Kauffman to approve an Ordinance Granting a Preliminary/Final Planned Unit Development (PUD) for the Adams Street Parking Lot Located at 110 Adams Street (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Absent: Luis Perez

The motion was declared carried by a roll call vote with four (4) aye votes and one (1) nay vote.

J.4. Ordinance Granting a Major Amendment to the Final PUD for 65 W. Washington Street. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-17**

Director Zenner addressed the Board regarding a major amendment to the PUD for 65 W. Washington Street. In 2011, the Village approved a Preliminary and Final PUD to allow for Firehouse Pizza, a redevelopment of a Village owned property, located at 65 W. Washington Street. The original PUD included the existing building and two outdoor areas to the rear of the building. The lower part of the outdoor area included a patio for seating and a parking space. The upper area was located on top of a retaining wall and provided a connection between the parking area behind 63 W. Washington and 113 Main Street to the lower patio area.

In 2018, the Village processed a Preliminary and Final PUD for a future restaurant use located at 63 W. Washington. As part of the review process, the Village developed engineering plans for the entire block, including utility improvements and additional parking spaces. During the plan development, the Village approached the owner of Firehouse Pizza regarding the upper area located on top of the retaining wall. The petitioner for the neighboring Mexican restaurant was interested in this area for outdoor seating. The owner of Firehouse Pizza agreed to allow the neighboring property to take over this portion of the property as Firehouse Pizza was only utilizing the property for access and parking. The Village's Plans for the entire block would improve the access and parking situation, so the upper area was no longer necessary. Staff prepared a revised subdivision plat outlining the new subdivision lines. The approved PUD identifies the reduction of the lot size from 11,627 square feet to 9,434 square feet. There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee McCarthy-Lange to approve an Ordinance Granting a Major Amendment to the Final PUD for 65 W. Washington Street. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

J.5. Ordinance Granting a Major Change to the Planned Unit Development (PUD), Final PUD and a Special Use Permit for Outdoor Entertainment for 63 W. Washington Street, JLAT (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-18**

Director Zenner addressed the Board regarding a major change for 63 W. Washington Street. In November of 2017, the petitioner received approval of a Preliminary PUD to allow for a 3,480 square foot restaurant. The project features a two-story outdoor seating area along Washington Street and an excavated basement for storage. Since that approval, the petitioner has been working with the Village to engineer the site in conjunction with the entire block for the proposed development and other public improvements. During the engineering review process, the petitioner explored the option to expand the outdoor patio area along the eastern side of the building between 63 and 65 Washington. After the analysis, the petitioner requested a Major Amendment to the PUD to include an approximate 1,312 square foot triangular outdoor patio space that will extend from the proposed building to the existing concrete retaining wall that currently exists along the rear outdoor patio of Firehouse Pizza.

The remainder of the project is consistent with the preliminary PUD that was approved in November of 2017. The proposed development consists of a single, one-story building with an excavated basement for storage and utilities. The front façade will face Washington Street and features a two-story outdoor seating area. Secondary entrances to the ground floor and basement will be accessible from the alley at the rear of the building. The 3,480 square foot building and additional outdoor patios will have 0-foot setbacks along the front, sides and rear. The front ground floor outdoor patio will measure approximately 2,800 square feet and include a large outdoor bar and seating. The second-floor patio, which is approximately 500 square feet, is accessible from an exterior staircase connected to the ground floor patio. The third proposed patio will contain approximately 1,312 square feet for additional seating along the side of the building. The petitioner is proposing live entertainment on the outdoor patio. The Zoning Ordinance requires a Special Use Permit when an establishment has more than four outdoor live performances per year. Therefore, the petitioner is requesting a Special Use Permit to allow for outdoor entertainment use.

Board and staff discussion focused on the noise level and how it will affect neighbors; business will need to be in compliance with the Village's noise ordinance; staff notified everyone within 250 feet of the property; no one responded; whether entertainment is wanted in the downtown; certain instruments being played are louder than others; certain styles of music are louder than others; needing to keep an eye on and monitor the noise level; noise issues were discussed at the PZC meeting; limited to certain decibels; handling the same as how outdoor entertainment was being handled at Firehouse Pizza. There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee McCarthy-Lange to approve an Ordinance Granting a Major Change to the Planned Unit Development (PUD), Final PUD and a Special Use Permit for Outdoor Entertainment for 63 W. Washington Street, JLAT. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
Joe West

Karin McCarthy-Lange
Judy Sollinger

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

J.6. Ordinance Approving a Redevelopment Agreement Between the Village of Oswego and Imperial Investments LLC Concerning 113 S. Main Street. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 19-19**

Director Cole addressed the Board regarding a redevelopment agreement between the Village and Imperial Investments LLC for a mixed use building at 113 Main Street. In September 2016, the Village Board approved a TIF District as a financing vehicle to activate reinvestment in Downtown. A key component of the Village's economic development strategy is returning underutilized Village-owned property located in the TIF to productive use. The Village owns 113 Main Street, which was the site of the former Village Hall until the fall of 2015 when it was demolished. The property has been awaiting redevelopment since 2008. The Village has been marketing the site since 2017. It was also listed on CoStar-Loopnet in March 2018. Although these measures generated some interest, none of the prospects followed through.

In the spring of 2018, the Village was approached by Mr. Mike Mann on behalf of Imperial to construct a three story, mixed-use development on the property. The proposal includes a restaurant use on the first floor, office space on the second floor and the option of office or residential space on the third floor. Imperial is the team behind several Yorkville developments including Crusade Burger Bar, Belladonna and Living Divina Yoga. On June 5, 2018, the Village Board approved a Purchase

and Sale Agreement (“PSA”) with Imperial Investments for the purchase of the property; pending the approval of a Redevelopment Agreement (“RDA”).

Redevelopment Agreement:

The RDA governs the terms and timeline of the development, including the use of Village incentives to assist the project. A summary of the primary deal terms is as follows:

Imperial commits to:

- Developing a three story, mixed use development of approximately 6,200 sf footprint and an estimated aggregate of 19,000 sf
 - First floor must include a full-service sit-down restaurant of at least 3,000 sf
 - Remainder of the building must include at least 10,000 sf of commercial or residential use
- Constructing a concrete and brick sidewalk and other streetscaping elements along the frontage of the development
- Consenting to the creation of a Special Service Area (“SSA”) to generate sufficient revenue to pay for maintenance and operations of the public improvements
- Participating in the Village’s shared refuse program

Village commits to:

- Transferring 113 Main Street to Imperial for \$10, a TIF incentive of \$59,990.00 against the property purchase price
- Completing a variety of public improvements intended to serve Block 11
 - Constructing a parking lot along South Adams Street
 - Installing a water main and water service line serving the development
 - Installing a new sanitary sewer and sanitary service line serving the development
 - Relocation of ComEd electric service
- Waiving Village building permit fees, excluding residential impact fees
- Creating a shared refuse program utilizing a centralized trash enclosure and trash compactor serving Block 11 businesses
- Delivering the site “pad ready” condition before Imperial begins construction

RDA also includes terms regarding the timing of the project

- Imperial securing financing by June 17, 2019
- Village conveying 113 Main Street to Imperial upon Imperial demonstrating proof of financing and meeting various approvals; but no later than August 1, 2019
- Imperial begins construction by August 1, 2019; pending Village delivery of the property in “pad ready” condition

If either the Village or Imperial Investments is unable to meet the above deadlines, the RDA prescribes specific remedies including the authority to terminate the RDA and re-take title to the property. On February 28th and in accordance with the TIF Act, the Village published notice of the RDA soliciting alternate proposals or bids for the acquisition and development of the property. The Village did not receive any alternate bids by the March 14th deadline.

Mr. Mann and Imperial’s attorney, Julie Schlicting, were present to answer questions from the Board.

Board and staff discussion focused on giving the property for free; helping with funding for infrastructure; still getting cost estimates; using local labor in Kendall and Kane County; Imperial’s estimated cost is \$3.2 million; required to budget better; it’s a better business model; five parking spaces on the property for the business and residents; not a lot of parking spots; approaching other businesses to rent spaces at night; Tap House building has 37 tenants; 113 Main will have less tenants; exciting to have a downtown with a parking problem; being creative with parking; parking has been a problem the Board has been working on for four years; Imperial would prefer business over residential; Imperial has had conversations with restaurants; hard to vote on a project when not

putting money into the project; Village is not giving Imperial money; property taxes around \$80,000 per year; no money was ever going to the school district for this property; Village owns the 123 Washington Street parking lot; TIF now in place to pay for parking; impact fees; money given to the schools for each student if residential property is built and a student lives there. There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee McCarthy-Lange to approve an Ordinance Approving a Redevelopment Agreement Between the Village of Oswego and Imperial Investments LLC Concerning 113 S. Main Street. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Pam Parr
President Gail Johnson

Karin McCarthy-Lange
Judy Sollinger

Nay: Joe West

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and one (1) nay vote.

J.7. Ordinance Granting a Preliminary Planned Unit Development (PUD) for 113 Main Street, Imperial Investments (First Read of Ordinance, Waiver of Second Read). **Ordinance No. 19-20**

Director Zenner addressed the Board regarding a PUD for 113 Main Street. This is currently a vacant parcel that was the former home of Oswego Village Hall. The request would allow for the development of an approximately 18,000 square foot mixed-use three-story building. The first floor would contain restaurant use, the second floor would contain offices and the third floor would contain either office space or four residential apartments. The proposed building will be constructed with block on the first floor and face brick on the second and third floors. The materials are similar to Washington Place (the Tap House building). Large windows will be located on the first floor along Main Street for a proposed “beer garden” on the front part of the restaurant to increase visibility both into and out of the restaurant. Balconies will be located on the rear of the building’s third floor to provide outdoor space for one of the apartments. Since the building will be constructed with zero-lot lines, additional balconies for the apartments could not be accommodated. A brick cornice and parapet wall will be located along the top of the building to screen any roof top mechanical equipment.

The building will be built with zero lot lines along the front and sides of the building. The rear of the building will be set back from the rear lot line to allow for the placement of five (5) parking spaces for the residential units. Additional parking will be provided by on-street parking within the downtown and the new parking lot that the Village will be constructing on the block in 2019 as part of the redevelopment of the block. The main access to the restaurant will be along Main Street. Access to the second and third floors will be along Main Street with secondary access along the rear of the building and the southern side of the building along the alley.

The Petitioner has been working with the Village for re-engineering the entire block and the proposed Mexican restaurant that will be located adjacent to the property at 63 W. Washington St. The proposed development has been incorporated in the overall engineering plans for the block and will not prohibit the current and future plans for the remaining parcels. The proposed preliminary PUD is consistent with the future land use designation and redevelopment plans as outlined in the Village’s Comprehensive Plan. There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee Kauffman to approve an Ordinance Granting a Preliminary Planned Unit Development (PUD) for 113 Main Street, Imperial Investments (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman
Karin McCarthy-Lange

Pam Parr
Nay: Joe West
Absent: Luis Perez

Judy Sollinger

The motion was declared carried by a roll call vote with four (4) aye votes and one (1) nay vote.

PRESIDENT'S REPORT

K.1. Proclamation- Earth Hour, 8:30 PM - 9:30 PM, March 30, 2019

President Johnson briefly noted that Earth Hour takes place on March 30th from 8:30pm-9:30pm.

K.2. Proclamation- Mayors Day of Recognition for National Service, April 2, 2019

National Day of Service is on April 2, 2019; the last few years she has volunteers at the food pantry.

Please vote at the upcoming April 2nd Consolidated Election; many taxing districts are on the ballot.

TRUSTEE REPORTS

Trustee McCarthy-Lange- great Drive Down this year; this is the third year she has gone; atmosphere was more optimistic this year.

Trustee West- encourage people to vote.

Trustee Kauffman- love to see investment in the downtown.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

A motion was made by Trustee Kauffman and seconded by Trustee Parr to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 7:59 p.m.

Tina Touchette
Village Clerk