

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
May 16, 2017**

CALL TO ORDER

President Gail Johnson called the meeting to order at 6:00 p.m.

ROLL CALL

Physically Present: President Gail Johnson; Trustees Ryan Kauffman (attended at 6:06 p.m.), Karin McCarthy-Lange, Pam Parr, Luis Perez, Judy Sollinger and Joe West.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jennifer Hughes, Public Works Director; Jeff Burgner, Police Chief; Rod Zenner, Community Development Director; Michele Brown, Community Relations Manager; Mark Horton, Finance Director; Corinna Cole, Economic Development Director; Annie Callahan, Purchasing Manager; Bethany Salmon, Planner; Marji Swanson, Village Attorney.

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

There was no one who participated electronically.

PUBLIC FORUM

Public Forum was opened at 6:00 p.m.

Gerald Sternberg addressed the Board regarding Delta Sonic and littering. He lives in the subdivision behind the proposed development and has concerns with traffic, noise, landscaping and the enforcement of litter. He requested only right hand turns; construction of a sound barrier and upgrading of the landscaping. Delta Sonic item is being presented to the Planning & Zoning Commission in July.

There was no one else who requested to speak; the Public Forum was closed at 6:04 p.m.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

F.1. Historic Preservation Commission – Demolition Review Ordinance

Director Zenner addressed the Board regarding the Historic Preservation Commission's presentation. Kelly Schomer, HPC Chairperson, Doug Pfeiffer and Karen Knight, members of the HPC addressed the Board. The HPC has been exploring new criteria for reviewing demolition applications that would enable the consideration of a property's historic value as a component of the review. A defined period of time will allow for the review of the property's significance and public input prior to the final determination of a demolition application. This proposal would provide the Village with a process (Demolition Review Ordinance) for protecting its historical assets that are not otherwise protected by Landmark status. The intent of the ordinance is to help preserve Oswego's heritage. Initiating a demolition review process is also listed as one of HPC's goals in its 5-year Strategic Plan.

According to the 2009 Architectural Resources Survey by Granacki Historic Consultants, 43 properties were rated as significant, meaning the building may be eligible for listing as a local landmark. Additionally, 16 properties were rated as potentially significant, meaning the building may be historically or architecturally significant, but has been altered and does not retain enough integrity

to be rated significant. Three properties have achieved local Landmark status and are subject to protection via the Certificate of Appropriateness review under the Village's Zoning Ordinance. Although the significant or potentially significant properties may have the potential to achieve individual Landmark status or contribute to a historic district, they have no protection from intentional demolition. The proposed ordinance would consider the historical significance of the properties listed as significant or potentially significant in determining the approval of a demolition application. A map was provided to show the locations of significant and potentially significant properties that would be subject to the Demolition Review Ordinance.

Review Process

The Demolition Review Ordinance would require that demolition applications be checked against the 2009 Architectural Resources Survey. The HPC would review demolition applications for Landmark properties and for properties rated significant or potentially significant to determine if the structure meets one or more criteria for Landmark Designation. The criteria for Landmark Designation is stated in Section 18.04 of the Zoning Ordinance as follows:

1. The property possesses significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the Nation, State, County or Community;
2. The property is associated with an important person or event in National, State, County or Village history;
3. The property is representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craft, method of construction or use of indigenous materials;
4. The property is associated with the notable work of a master builder, designer, architect or artist whose individual genius has influenced an era;
5. The property is identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics;
6. The property is characteristic of a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations and other commercial structures, with a high level of integrity and architectural significance;
7. The property is one of few remaining examples of a particular architectural style or use, or is an example which clearly represents a major architectural style, and has undergone little or no alteration since its construction and/or;
8. Area that has yielded or may be likely to yield, information important in history or prehistory.

If the HPC finds that the structure does not meet at least one of the criteria for Landmark Designation, then approval of the application shall be made by the Building and Zoning Department without further input of the HPC. If the HPC finds that the structure meets one or more criteria for Landmark Designation, then the HPC shall submit its findings to the Village Board of Trustees for the recommendation of a Delay of Issuance. The Village Board will make the final decision to approve, deny, or modify the recommendation of the HPC.

In the event that the Delay of Issuance is denied, the Village Board shall set conditions of the application approval to allow the subject property to be documented by way of survey and/or photographic record prior to demolition. If the Delay of Issuance is approved by the Village Board, the applicant/owner of record and the Building and Zoning Department will be notified and the delay of the demolition shall remain in effect for sixty days from the date of the Village Board's decision. The review period shall be used to evaluate the structure's historical or architectural significance, propose preservation alternatives such as improving or relocating the structure, and explore relevant planning considerations. The review period may include a request for a conference between the owner and representatives of the Village, which may include Village Trustees, HPC members, and staff. The

HPC shall transmit its recommendations for preservation alternatives in writing to the Building and Zoning Department and attempt to identify a mutually satisfactory solution. Alternatives shall be consistent with Section 18-05, titled, "Certificate of Appropriateness," of the Village of Oswego Zoning Ordinance and shall preserve the contributing characteristics identified in the Architectural Resources Survey. A copy of the HPC's recommendations shall be forwarded to the applicant and to the Village Board by the Building and Zoning Department.

Emergency Demolitions

In the case that a demolition permit is issued by a Building and Zoning official upon the determination that demolition of a structure is necessary to eliminate or prevent a threat to public health, safety or welfare, then that permit shall not be subject to review by the HPC as provided for in Section 4-13-2. The Zoning Official shall notify the HPC of the issuance of any demolition permit that was granted per this section.

Penalties

Any person that violates any provision of this Section shall be subject to a minimum fine of \$10,000.00.

What properties are impacted by the proposed ordinance?

The proposal relies upon the designations of the 2009 Architectural Resource Survey. In addition to landmark properties, only properties that have been designated as significant or potentially significant are affected at this time; approximately 60 properties. The proposal allows for the periodic update of the survey as structures continue to age and acquire significance. Historical assets are identified, in advance, for clear communication and coordination with property owners, potential purchasers, and developers. The intent is to create a review process that enhances, rather than impedes, community and economic development.

Board, staff and HPC members discussion focused on HPC needing four more members for the commission; looking after historical assets; reviewing current programs in place; long range economic development; no way of protecting if a property is not landmarked; Plainfield currently utilizes a demolition ordinance and process; allowing time to review a property before demolition; HPC provides research and assistance in determining the value of a property; criteria used should be the same as landmark status; Village is growing at a significant rate; age of property, Granacki survey, criteria and alternatives are some of the steps in the review process; modifications will not require HPC review unless the property is already landmarked; certificate of appropriateness may be required; homeowners need to request landmark status; homeowners of the 60 significant or potentially significant properties were notified of the ordinance and meeting; Granacki survey will show why homes are considered historic; proposed ordinance would only apply to full demolitions; needing to look for alternatives if HPC decides not to demo; HPC is an advisory commission; can only recommend; Village Board has the final decision; permitting time for the property to be surveyed for historical significance; costs and time involved; whether there is a grant or loan program to help homeowners in historical homes; establishing an historical district; State and Federal grants available; encouraging homeowners to seek landmark status; not intervening with additions to homes; streamlining the process; not wanting to tell a homeowner what they can and cannot do; what the purpose of the ordinance is; more proactive approach in the beginning versus when it comes to demolition; not seeing where the ordinance has teeth; more than just time is being requested by HPC; Village Board can reject a demolition application; if property owner tears down the property without approval from the Village Board, a \$10,000 penalty is assessed; preservation issues versus land use ordinance; transparent and objective; wanting to make sure advisory stays in place; can delay for 90 days; being creative and having options. Staff to put together responses and bring back to a future Committee of the Whole. There was no further discussion.

F.2. Annual Update on the Village's Stormwater Management Program

Director Hughes addressed the Board regarding the annual update of the Village's stormwater program. The Illinois Environmental Protection Agency permits stormwater discharge into the Waters of the United States as required by the Clean Water Act. The National Pollutant Discharge Elimination System (NPDES) is the regulatory program under which the Village discharges into the Fox River and other Waters of the United States. The permit requires that discharged stormwater be free of contaminants to the maximum extent possible. Oswego filed its first Notice of Intent (NOI) to comply with the statewide general permit conditions in 2003. The Village filed a second NOI to comply with update permit requirements in 2013. The Illinois EPA has now issued a new version of its NPDES Permit No. ILR40 (MS4 Permit). The new permit became effective on March 1, 2016 and contains a variety of new and modified requirements that impact local stormwater management programs. Such requirements address de-icing activities and de-icing material storage, climate change, environmental justice areas, dry weather outfall inspections, wet weather quality monitoring, long term operation and maintenance plans and evaluating the effectiveness of our best management practices. The six measures are:

- Public Education and Outreach
- Public Participation/Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-Construction Runoff Control
- Pollution Prevention/Good Housekeeping

Staff has revised and updated the SMPP to be in compliance with the new permit. Annual reports are filed with the IEPA addressing the work that the Village has completed in the past year. The reports and the Village's Stormwater Management Program Plan are available on the Village's website. Under the new permit requirements the Village is required to provide a minimum of one public meeting annually for the public to provide input as to the adequacy of the program. It is important to treat stormwater economically such as the use of rain barrels or rain gardens.

There was no further discussion.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

The Committee of the Whole meeting adjourned at 6:49 p.m.

Tina Touchette
Village Clerk