

**MINUTES OF A REGULAR MEETING OF THE
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
September 19, 2017**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Gail Johnson called the meeting to order at 6:15 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 (attended at 6:08 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; Mark Horton, Finance Director; Corinna Cole, Economic Development Director; Jenette Sturges, Community Engagement Coordinator- Marketing; David Silverman, Village Attorney; and Greg Jones, Village Attorney (attended at 6:10 p.m.).

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

There was no one who requested to attend electronically.

RECOGNITIONS/APPOINTMENTS

D.1. Oath of Office

a. Andrew K. Santa- Sergeant

Chief Burgner spoke about the promotion process through the Police Commission. Police Commission members were not in attendance. Chief Burgner briefly spoke about Andrew Santa's schooling, history with the Oswego Police Department and awards. Andrew Santa's wife, children, mom and dad were present. President Johnson administered the oath and swore him in as sergeant.

PUBLIC FORUM

The Public Forum was opened at 7:13 p.m.

Mary Walsh did not wish to speak, but wanted the following to be read for the record. President Johnson read "Please take parking to into consideration as the road is very narrow".

Jan Alexander addressed the Board regarding a variance for the fence by Pfund Park. She asked that the variance be denied because there was no permit requested; fence restricts access to homeowners and to children getting to school; no notice was given to the residents back in 2015; fence will negatively impact their homes; property should be given back to the Park District and all fences removed.

Frank Carney addressed the Board regarding a variance for the fence by Pfund Park. The fence negatively affects property values; cemetery is almost completely around his house; property was supposed to be a park, not a cemetery; no residents were notified; trees were cut down; road was put in and the fence was installed; fence eliminates access to Waubensee Creek; no soil testing performed; significant history of this property; Historic Preservation Commission should investigate the history of the property; living next to a dump. The Board was provided a petition with names, signatures and comments.

Mary Carney addressed the Board regarding a variance for the fence by Pfund Court. She trusted that elected

officials had residents in their best intentions; why the Park District gave the property to the Township; why were they in such a hurry to erect a fence; flagrant violation of rights to the community; remove fence and restore the park.

Carol Latina addressed the Board regarding the Strategic Plan. She read the vision, mission and values as stated in the Village's Strategic Plan and suggested the statements be posted in every office and public space where Village business takes place and orally referenced at the beginning of every in-house or public meeting. Any Village employee or elected official should be able to evaluate their conversations, correspondence, work, decisions and votes as it relates to the statements. They must be a living document and not one that sits on a shelf. She asked the Board to consider implementing her suggestions.

Todd Milliron addressed the Board regarding a variance for the fence by Pfund Park. He has attended more meetings than most in the past 10 years; rules and regulations need to be followed; need to visit the Park District easement agreement; fence is an impediment to the agreement; cannot use pathway; land was never deeded to the Township, but improvements were made; need the area to be open and accessible; residents were promised it would be a park; fence was installed in violation of the rules and regulations; important that the park stays as a park as Mr. Pfund had intended; consider land document when making a decision.

Maria Helgeson addressed the Board regarding a variance for the fence by Pfund Park. She has been living here since 1999. Students can no longer get through; Township told them to shimmy around the fence; protesting the transfer of the land for \$1.00; Park District told them there was only one house that was affected by the installation of the fence; Park District would take the property back and make Pfund Park meet up with Stonegate Park. She read a section of a letter that was written by Mr. Pfund and provided a copy for the Village's records.

Bill Helgeson addressed the Board regarding a variance for the fence by Pfund Park. There isn't a real variance; don't understand what the previous Township Board did; variance should not be allowed; no mess or trouble there; fence does not belong.

Frances Helgeson addressed the Board regarding a variance for the fence by Pfund Park. Kids love to be in nature; we should not have put up the fence; please take down the fence.

There was no one else who requested to speak; the Public Forum was closed at 7:44 p.m.

STAFF REPORTS

There were no Staff Reports.

CONSENT AGENDA

- G.1. September 5, 2017 Committee of the Whole Minutes
- G.2. September 5, 2017 Regular Village Board Minutes
- G.3. September 5, 2017 Closed Session Minutes (Approve, but Not Release)
- G.4. Resolution Authorizing Final Acceptance of Certain Public Improvements for Hunt Club East - Effective September 20, 2017, and Release of Project Surety 1018336. **Resolution No. 17-R-85**
- G.5. Resolution Authorizing the Temporary Closure of Route 31 for the Oswegoland Park District's Gobbler Hobbler 10K and Mashed Potato Mile. **Resolution No. 17-R-86**

A motion was made by Trustee Perez and seconded by Trustee Kauffman to approve the Consent Agenda; Approving September 5, 2017 Committee of the Whole Meeting Minutes; Approving the September 5, 2017 Regular Village Board Minutes; Approving, but not Releasing the September 5, 2017 Closed Session Minutes; and approving the following resolutions:

Resolution No. 17-R-85; Resolution Authorizing Final Acceptance of Certain Public Improvements for Hunt Club East - Effective September 20, 2017, and Release of Project Surety 1018336.

Resolution No. 17-R-86; Resolution Authorizing the Temporary Closure of Route 31 for the Oswegoland Park District's Gobbler Hobbler 10K and Mashed Potato Mile.

Aye: Ryan Kauffman Karin McCarthy-Lange
 Pam Parr Luis Perez
 Judy Sollinger Joe West

Nay: None

The motion was declared carried by omnibus roll call vote with six (6) aye votes and zero (0) nay votes.

BILL LIST

H.1. Approve Bill List Dated September 19, 2017 in the Amount of \$661,766.70.

A motion was made by Trustee Parr and seconded by Trustee Kauffman to Approve the Bill List Dated September 19, 2017 in the Amount of \$661,766.70.

Aye: Ryan Kauffman Karin McCarthy-Lange
 Pam Parr Luis Perez
 Judy Sollinger Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

J.1. Ordinance Granting a Special Use Permit for Outdoor Entertainment for Firehouse Pizza and Pub Located at 65 West Washington Street. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-54**

Director Zenner addressed the Board regarding a special use permit for Firehouse Pizza. The applicant requested a special use permit to allow for outdoor entertainment at 65 W. Washington Street. A special use permit for outdoor entertainment is required in the B-1 Neighborhood Business District when a business has more than four (4) separate occurrences in any twelve (12) month period. Each occurrence shall not exceed four (4) consecutive days. On August 1, 2017, the Village Board considered the first reading of the ordinance to approve a minor amendment to the final PUD to allow for the construction of a band shell. The proposed band shell would be at the rear of the property toward the back of the building and would serve as a stage for live performances and outdoor entertainment. Staff met with the applicant to discuss building code requirements and how the band shell may be impacted by future improvements to adjacent properties and the rear alley. The Village is currently studying construction and engineering plans for the entire block, which may result in changes to the location and design of the band shell. As a result, approval of the band shell is currently on hold and will be reviewed by the Village Board at a later date. While the applicant works with the Village to determine final plans and approval from the Village Board, the special use permit will allow the applicant to hold more than four (4) occurrences of outdoor entertainment within a year.

Outdoor entertainment will include live bands and performances from April through October; weather permitting. The proposed hours of operation are:

- Friday and Saturday: 7pm-11pm
- Thursday: 7pm-10pm

The current hours of operations for the restaurant are:

- Friday and Saturday: 11am -2am
- Sunday through Thursday: 11am-1am

All outdoor entertainment is required to comply with the Village's Noise Control Regulations.

Board and staff discussion focused on the Police Department working with businesses and residents regarding noise ordinance compliance; holding off on the band shell until the block is developed; currently have entertainment on the back patio; special use will bring them into compliance.

There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to approve the Ordinance Granting a Special Use Permit for Outdoor Entertainment for Firehouse Pizza and Pub Located at 65 West Washington Street. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

J.2. Ordinance Granting a Variance to Increase the Allowable Height of a Fence in the Front Yard from 3 Feet to 4 Feet for the Property Located at 106 Pfund Court. (First Read of Ordinance, Wavier of Second Read)
Ordinance No. 17-55

Director Zenner addressed the Board regarding a variance for a fence located at 106 Pfund Court. Oswego Township installed a fence around the property located at 106 Pfund Court. The fence was installed without a building permit. The Township is in the process of correcting the issue by submitting the plans for a building permit. Upon review of the plans and the installed fence, it was determined that a variance would need to be reviewed prior to the issuing of a building permit. Village Code allows fences in the front yard (facing Pfund Court) if they are limited to three feet in height. The installed fence is four feet in height and may be up to the property line. The Township requested a variance for this section of fence. The remaining fence installed around the remainder of the property is allowed through the building permit process without a variance.

There was testimony at the Planning and Zoning Commission from seven residents regarding the variance. The residents discussed the Township's plan to use the property as an expansion of the existing cemetery. Cemeteries require a special use permit and the Township has not requested a special use permit for that use. The only application is for the fence variance. Residents expressed concern with the installation of the fence and the inability of the surrounding residents to access the property as a pass through to access the retail at the intersection of Route 34 and Chicago Rd., or as a path to get to Oswego High School. The site is bounded by individual single-family residential homes. There is no public access to the rear of the subject property therefore accessing the property from the north and west would require the pedestrian to trespass upon the neighboring single-family residential lots. Access is intended along Pfund Court to the east. The fence along the north, west, and south is not part of the variance request and is allowed through the building permit process.

If a variance is denied, the Township would either have to cut the fence down to a height of three feet, or move the fence 30 feet back from Pfund Court. It is staff's opinion that the variance, as proposed, will not affect the character of the neighborhood. Denial of the variance would result in a fence that is not in keeping with the area along Pfund Court.

Board and staff discussion focused on whether it was an illegal transfer from the Park District to the Township; Township would have to apply for a special use; cemetery not an issue; whether convenience is the issue; residents need to take the issue to the Township; Township should have obtained a permit; access is being provided; fence set-back is far enough according to Village code; fence prevents dumping on the property; agreement is between the Park District and the Township; the Village determines the fence permit and whether to allow the fence as it is; Village has nothing to do with the transfer of the property; can only judge the height and location of the fence; easement applies to the south property for pedestrian use; neighbors agree the fence will affect them; not agreeing with the variance; Planning & Zoning Commission denied the request 4-0; if denied, the height and location will need to be changed; the fence will still remain; holding the Township to the same as everyone else; all fence legal except the fence by the road; Township/taxpayers will need to pay for the changes; zoned residential; needing cost to rebuild; can move the item to second read to allow time to obtain additional information; Township could have come to the Village before installing; if variance is denied, the Township would need to meet guidelines; reasoning for three foot fence height; sightlines for traffic. No one from the Township was present to speak. Discussed making a motion to waive second read. Voting yes on the motion to waive second read would mean a vote now. Voting no on the motion would postpone the vote to a future meeting.

There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Kauffman to waive second read.

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Judy Sollinger
Nay: Luis Perez	Joe West

The motion was declared carried by a roll call vote with four (4) aye votes and two (2) nay votes.

A motion was made by Trustee Parr and seconded by Trustee Sollinger to approve an Ordinance Granting a Variance to Increase the Allowable Height of a Fence in the Front Yard from 3 Feet to 4 Feet for the Property Located at 106 Pfund Court. (First Read of Ordinance, Waiver of Second Read)

Aye: Pam Parr	Judy Sollinger
Nay: Ryan Kauffman	Karin McCarthy-Lange
Luis Perez	Joe West

The motion was denied by a roll call vote with two (2) aye votes and four (4) nay votes.

J.3. Ordinance Granting a Major Amendment to the Final Planned Unit Development for Prairie Market East; ALDI Building Expansion and Signage. (First Read of Ordinance, Waiver of Second Read)
Ordinance No. 17-56

Director Zenner addressed the Board regarding a major amendment to the PUD for ALDI's. The applicant requested approval to allow for a 2,654 square foot expansion along the south wall of the existing ALDI grocery store located at 540 Fifth Street which will extend into the existing parking spaces and drive aisle. The project will entail changes to the site plan, elevations, and signage. Because the gross floor area of the building will increase by more than 10 percent, the project requires approval for a Major Amendment to the Prairie Market East PUD. The parking lot area will be reconfigured resulting in the loss of 17 parking spaces and bringing the total spaces to 385. The number of accessible spaces will not change and will be located in roughly the same area as the existing spaces. The proposed design for the south, west, and east elevations are visually similar to the existing elevations in terms of materials and design. Two landscaped parking lot islands will be removed and a portion of one of the existing landscaped island will be reduced in size. New landscaping will be installed in two proposed parking lot islands south of the building and at the southwest corner of the building addition. The amount of landscaping proposed is comparable to the existing landscaping that will be removed.

The petitioner submitted revised signage plans. The revised plans no longer include the two “Food Market” signs mounted on top of the canopy. Instead of a total of four (4) wall signs, the applicant is now proposing only two (2) matching wall signs on the building corners that include the ALDI name and logo. The plans were revised to include ALDI’s new logo design within the wall sign, but match the dimensions previously proposed. The project will also entail installing new sign faces on the two existing monument signs at the shopping center. The two (2) wall signs exceed the maximum height allowed per the signage criteria. The petitioner has requested an amendment to allow for a height of 9 feet 5½ inches for the two wall signs, which exceeds the 7-foot maximum height allowed for a sign under the PUD. The proposed wall signs exceed the allowed height by 2 feet 5½ inches. However, the proposed wall signs meet the PUD criteria for the maximum sign area, height of the letters, and width of the façade. Staff is of the opinion that the proposed height increase is compatible with the building and is generally consistent with signage approved under the Prairie Market PUD.

Peter Thomas, Construction Manager for ALDI, was present to answer questions.

Board, staff and ALDI representative discussion focused on introducing new produce; increasing the amount of fresh meat, steaks and seafood; full LED; new freezers and coolers; only replacing the panels, not changing the signs; monument signs staying the same size.

There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Kauffman to approve an Ordinance Granting a Major Amendment to the Final Planned Unit Development for Prairie Market East; ALDI Building Expansion and Signage. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

PRESIDENT’S REPORT

IML conference is coming up. Looking forward to ideas and attending sessions.

TRUSTEE REPORTS

Trustee Kauffman- wished President Johnson a “Happy Birthday”.

CLOSED SESSION

A motion was made by Trustee Perez and seconded by Trustee Kauffman to enter into Closed Session for the purposes of discussing the following:

- a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

The Board adjourned to Closed Session at 8:18 p.m.

The Board returned to open session at 8:57 p.m.; all remaining members still present.

ADJOURNMENT

A motion was made by Trustee McCarthy-Lange and seconded by Trustee Sollinger to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 8:57 p.m.

Tina Touchette
Village Clerk