

**MINUTES OF A REGULAR MEETING OF THE  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
November 21, 2017**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

President Gail Johnson called the meeting to order at 7:01 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, Luis Perez , Judy Sollinger and Joe West.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Mark Runyon, Asst. Public Works Director; Jeff Burgner, Police Chief; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Jenette Sturges, Community Engagement Coordinator- Marketing; Jay Hoover, Building & Zoning Manager; and Jim Murphy, Village Attorney.

**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. Economic Development Commission

- a. Appoint Brian Caldwell for a Term to Expire April 30, 2019.
- b. Appoint Asif Dada for a Term to Expire April 30, 2019.
- c. Appoint Diane Nyhammer for a Term to Expire April 30, 2019.

A motion was made by Trustee Sollinger and seconded by Trustee Perez to approve the Appointment of Brian Caldwell for a Term to Expire April 30, 2019; the Appointment of Asif Dada for a Term to Expire April 30, 2019; and the Appointment of Diane Nyhammer for a Term to Expire April 30, 2019.

|      |                |                      |
|------|----------------|----------------------|
| 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.

**PUBLIC FORUM**

The Public Forum was opened at 7:03 p.m.

Russell Pietrowiak thanked Public Works for picking up his leaves and addressed the Board concerning the apartment complex proposed to go in behind the Wal-Mart. He has concerns with the concept; 320 apartments is fairly substantial; a lot of parking in the concept; wetlands are on the property; 150 different bird species; concerned the development will have an impact on the environment; would like to see wetland plants; path was moved; would like plantings along the path to make it useful; increased traffic on 5<sup>th</sup> St.; adding 2,000-6,000 more vehicles to the road is substantial; concerns with left hand turns out of the property onto 5<sup>th</sup> St.; not having a controlled intersection increases accidents; whether another access point can be added; currently only an emergency access point through the retail area; proposed fencing is chain link; would like fencing to match the pool area; what the land cash donation is.

Carol Latina addressed the Board regarding Delta Sonic. She represents the Steeplechase Village Communication Committee, which along with 268 of the residents at Steeplechase opposed the location of the Delta Sonic at the entrance to their subdivision. She stated that tonight's Board meeting was inconveniently scheduled on the same night as their HOA meeting. She discovered a recommendation from Village staff that differs from the revised plan submitted by Delta Sonic and approved at the October 5<sup>th</sup> Planning & Zoning meeting. The committee left the Planning & Zoning meeting discouraged that only one commissioner had voted not to approve Delta Sonic. The recommendation from Planning & Zoning was to approve no left turn onto Kendall Point Drive; a six foot fence along the south property line between the ComEd easement and Delta Sonic property; and movement of landscaping from the east property line to the south property line. In staff's memo, it stated that it was believed traffic taking a left onto Kendall Point Drive would be residents of Steeplechase and not cut-through traffic. She believes there is already cut-through traffic now and it will only increase by 500-900 cars every day. Residents of Steeplechase would prefer a circuitous route out of the Delta Sonic property; many residents have indicated they will not be patronizing the business; the allowance of a left turn will have a negative impact on the neighborhood; they have been forced into an adversarial position; they have tried to advocate for the concerns and needs of the residents; she will be prepared to vote out of office anyone who votes to approve the project; opposed to Delta Sonic being at this location; review and revise out of date online documents; look at practices and decisions; work with the Village attorney to examine Home Rule laws; include citizens in determining what goes into the Village. Steeplechase is opposed to the recommendation to include a left hand turn. She asked whether there will be two votes on the project; one to accept or deny Staff's recommendation; and another to approve or deny the project. The wording of any motion is critical and must include the reference to the no left turn. Exhibit D is what the Board is voting on.

There was no one else who requested to speak; the Public Forum was closed at 7:27 p.m.

## **STAFF REPORTS**

### **Administrator Di Santo**

Only one Village Board meeting scheduled in December on Monday, December 11<sup>th</sup>. Only one meeting in January on January 16<sup>th</sup>. The December 11<sup>th</sup> meetings will include a Special Committee of the Whole and a Special Village Board meeting.

### **Chief Burgner**

Emergency Expenditure- the process of moving from the first to second lowest bidder for masonry work took approximately one month to resolve; putting the project behind schedule. Due to the delay, ALL Masonry Construction Co. will be working into the winter months; which will require expenses to be considered to cover the cost of heating the work and material areas of the site. Gilbane Building Company recommended the Village approve the costs presented by the contractors to allow them to complete the work. This will also allow the glass/glazing and metal panel contractors to take final measurements and complete their work during the winter months. Delaying will have an adverse effect on the project schedule and budget. The amount requested is within the authorized amount allowed by Village Code with the expenditure coming from the Contingency Fund within the New Police Headquarters budget. A Proclamation Declaring a Procurement Emergency was signed by the Village President on November 21, 2017 authorizing Gilbane to increase the contract amount with ALL Masonry Construction Co. in an amount not to exceed \$10,626.19 for Winter Enclosures for Silos and an amount not to exceed \$24,700.00 for Winter Enclosures for Exterior Area "B".

New Police Headquarters Change Over- approved an alternate for high-speed doors. This will be funded from the Contingency Fund. No issues with the budget.

CALEA Award- Chief Burgner, President Johnson, Trustee Parr and Cathy Nevara attended the CALEA (Commission on Accreditation for Law Enforcement Agencies) Hearing this past Saturday regarding the Oswego Police Department's assessment and reaccreditation. Not only did the Oswego Police Department receive their reaccreditation; they received it with Excellence. This is their 4<sup>th</sup> Reaccreditation with CALEA since 2005. Only 1,000 of the 18,000 law enforcement agencies in the United States are accredited. Of that 1,000, only 10% receive the honor of Excellence. The August on-site assessment was only a success

due to the dedication and professionalism Oswego Police Department displays each and every day. President Johnson congratulated the Department; was impressive to witness; protected by a force that takes this seriously; kudos to all. Trustee Parr stated she was highly impressed; great experience and learned a lot; nice to see other law enforcement congratulate Oswego Police Department.

#### Director Cole

Oswego and Score Workshop- "How to Price it Right" workshop is being held on December 5<sup>th</sup> from 8:00am-9:30am at the Oswego Public Library; downtown Oswego location. The workshop is designed to help businesses and startups develop a pricing and marketing strategy.

Christmas Walk and Tree Lighting- scheduled for December 1<sup>st</sup>. Programs are available now. Staff is hoping for good weather. This year's Christmas Walk is sponsored by Jewel/Osco. Christmas Tree Rex showed up at Jewel/Osco today.

#### Asst. Director Runyon

Leaf pick-up is ahead of schedule; will look at again next week.

### **CONSENT AGENDA**

- G.1. November 7, 2017 Committee of the Whole Minutes
- G.2. November 7, 2017 Regular Village Board Minutes
- G.3. November 7, 2017 Closed Session Minutes. (Approve, but Not Release)
- G.4. Resolution Authorizing Final Acceptance of Public Improvements and Release of Project Surety for the White Oak Senior Housing Phase I, Lot 2 of the Resubdivision of Lot 5 of Orchard Woods; Effective November 21, 2017. **Resolution No. 17-R-98**
- G.5. Ordinance Granting a Variance to Increase the Height of a Fence in a Rear Yard from Six (6) Feet to Fifteen (15) Feet for the Metronet Communications Equipment Shelter Located at 378 Ogden Falls Boulevard. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-75**
- G.6. Resolution Authorizing the Renewal of the Village's Liability, Property, and Workers Compensation Coverages Through IMIC and IPRF in the Amount of \$547,107.00. This is a better rate. Amount shown on the agenda was incorrect. Amount stated in the Resolution is the correct amount. **Resolution No. 17-R-99**
- G.7. Kendall County Emergency and Communications Board (KenCom); President Johnson thanked Chief Burgner and Trustee Perez for attending the meetings and representing the residents.
  - a) Resolution Authorizing an Intergovernmental Agreement Between the Village of Oswego and Kendall County Emergency and Communications Board (KenCom) – Tyler/New World Licensing Agreement. (Subject to Village Attorney Approval) **Resolution No. 17-R-100**
  - b) Resolution Authorizing an Intergovernmental Agreement Between the Village of Oswego and Kendall County Emergency and Communications Board (KenCom) – Tyler/New World Security and Operation. (Subject to Village Attorney Approval) **Resolution No. 17-R-101**

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to approve the Consent Agenda; Approving the November 7, 2017 Committee of the Whole Meeting Minutes; Approving the November 7, 2017 Regular Village Board Minutes; Approving, but not Releasing the November 7, 2017 Closed Session Minutes; and approving the following ordinance and resolutions:

**Ordinance No. 17-75;** Ordinance Granting a Variance to Increase the Height of a Fence in a Rear Yard from Six (6) Feet to Fifteen (15) Feet for the Metronet Communications Equipment Shelter Located at 378 Ogden Falls Boulevard.

**Resolution No. 17-R-98;** Resolution Authorizing Final Acceptance of Public Improvements and Release of Project Surety for the White Oak Senior Housing Phase I, Lot 2 of the Resubdivision of Lot 5 of Orchard Woods; Effective November 21, 2017.

**Resolution No. 17-R-99;** Resolution Authorizing the Renewal of the Village's Liability, Property, and Workers Compensation Coverages Through IMIC and IPRF in the Amount of \$547,107.00.

**Resolution No. 17-R-100;** Resolution Authorizing an Intergovernmental Agreement Between the Village of Oswego and Kendall County Emergency and Communications Board (KenCom) – Tyler/New World Licensing Agreement.

**Resolution No. 17-R-101;** Resolution Authorizing an Intergovernmental Agreement Between the Village of Oswego and Kendall County Emergency and Communications Board (KenCom) – Tyler/New World Security and Operation.

|      |                |                      |
|------|----------------|----------------------|
| 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 November 21, 2017 in the Amount of \$6,887,957.42.

A motion was made by Trustee Parr and seconded by Trustee Kauffman to approve the Bill List Dated November 21, 2017 in the Amount of \$6,887,957.42.

|      |                |                      |
|------|----------------|----------------------|
| 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 Authorizing the Approval of a First Amendment to the Purchase and Sale Agreement with Andrew Trasatt for 63 Washington Street. (First Read of Ordinance, Waiver of Second Read)  
**Ordinance No. 17-76**

Director Cole addressed the Board regarding an amendment to the purchase and sale agreement with Andrew Trasatt. In 2016, the Village was approached by Andrew Trasatt and John Leahy about constructing a 3,500 square foot casual restaurant and bar on the property. Trasatt and Leahy are the owners of two successful restaurants (Potter's Place and Jimmy's Grill) in downtown Naperville. Their proposal features a 3,000 square foot first floor patio and second floor balcony, both facing Washington. Public improvements are also anticipated, including streetscape upgrades for Washington Street and parking. On May 2, 2017, the Village Board approved a Purchase and Sale Agreement (PSA) with Mr. Trasatt that would sell the property to him following a 90-day inspection period. This inspection period expired on August 1, 2017.

Mr. Trasatt submitted preliminary development plans and received approval by the Planning and Zoning Commission on November 9, 2017. The cause for the project delay is due to the Village's failed application to Kendall County for an economic development loan. From September 2016 to October 2017, the Village worked with Kendall County to secure a \$649,000 loan that would help finance the project. However, following review by the Kendall County State's Attorney's Office, the Village was informed that municipalities were not eligible for the loan funds. Following this news, Mr. Trasatt and Mr. Leahy confirmed they would continue to pursue the development opportunity. The amendment to the PSA is intended to extend the inspection period to May 21, 2018. During that timeframe, Mr. Trasatt and Mr. Leahy will seek alternative financing and negotiate a Redevelopment Agreement (RDA) for the 63 Washington Street property. The RDA will:

- Outline all development terms

- Finalize the property’s development plan
- Establish the use of any Village incentives, including:
  - The use of TIF increment to finance the project
  - Adjustments to property’s purchase price
- Allow Mr. Trasatt to close on the property

Should Mr. Trasatt or the Village fail to enter into an RDA within that timeframe, the PSA will terminate and the Village will continue to own the property. There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee McCarthy-Lange to approve an Ordinance Authorizing the Approval of a First Amendment to the Purchase and Sale Agreement with Andrew Trasatt for 63 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 Preliminary Planned Unit Development (PUD) for Potter’s Place Restaurant Located at 63 W. Washington Street. (First Read of Ordinance, Waiver of Second Read)  
**Ordinance No. 17-77**

Director Zenner addressed the Board regarding a PUD for Potter’s Place Restaurant. The applicant is requesting approval of a Preliminary PUD to allow for the construction of a one-story restaurant building at 63 W. Washington Street. The building will feature a two-story outdoor seating area along Washington Street and an excavated basement for storage. The project will entail demolishing the existing building on site, which has been vacant since 2014. Constructed in 1884, the existing two-story building was originally used as government offices for Oswego Township and the Village of Oswego. The Village is currently studying construction and engineering plans for the entire block, which will include improvements to the alleys, utility services, stormwater management, streetscaping, as well as the construction of a shared parking lot. These improvements may result in changes to Potter’s site plan, building design, or property lines. Staff is currently working with the applicant in planning the development of the restaurant in conjunction with these future improvements. Any changes to the site plan and building will be reviewed by the Planning and Zoning Commission and the Village Board during the Final PUD approval process.

The building will be constructed with almost zero setbacks to the property lines. The ground floor of the restaurant includes a dining area, bar, kitchen and restrooms. The building layout also provides dual entrances, allowing patrons to enter both from Washington Street as well as the rear alley. The rear of the building facing the alley provides two entrance doors; one of which will be accessible for restaurant customers and one for loading activities and employees only. The ground floor of the outdoor patio will measure approximately 2,800 square feet and includes a large outdoor bar and seating area. The second floor patio, which is approximately 500 square feet, is accessible from an exterior staircase connected to the ground floor patio. The Zoning Ordinance requires a total of 35 parking spaces for the proposed restaurant based on a parking calculation of one parking space per 100 square feet of floor area. All required parking will be provided off-site. Public on-street parking is located on Main Street, W. Van Buren Street and surrounding blocks in the downtown. Signal plans will be included at a later time as part of the final PUD. Mr. Trasatt thanked the Village Board and stated he would be looking at a May 2019 opening date. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve an Ordinance Granting a Preliminary Planned Unit Development (PUD) for Potter’s Place Restaurant Located at 63 W. Washington Street. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman  
Pam Parr  
Judy Sollinger

Karin McCarthy-Lange  
Luis Perez  
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.3. Resolution Authorizing the Village to Enter Into an Intergovernmental Agreement with the United City of Yorkville Regarding Joint Employment of a Facilities Manager. **Resolution No. 17-R-102**

Asst. Village Administrator Burns addressed the Board regarding an intergovernmental agreement with Yorkville. The Lower Fox River Partnership (LFRP) group began discussing a jointly hired Facilities Manager. The FY18 budget includes funding for one-third of a Facilities Manager, originally to be shared between Montgomery, Oswego and Yorkville. Montgomery was unable to join in the venture and attempts to find a third party with our various local and regional taxing districts has not been successful. With Oswego and Yorkville still both in need of a Facilities Manager, staff is recommending proceeding with an intergovernmental agreement between the two municipalities. The Village's facilities maintenance is shared between Public Works and various staff in each building. The decentralized nature of our facilities operations makes it difficult to ensure buildings are being maintained in accordance with best practices and that cost effectiveness is maximized. The need for facilities oversight will be especially important with the new police headquarters coming online next year. Based on review of salaries, the Facilities Manager is proposed to pay \$65,310.26 to \$93,300.36. This would be an exempt position. Staff anticipates hiring the Facilities Manager this winter.

The Facilities Manager will report to the Director of Public Works. The position will have high-level responsibility for the planning, budgeting, contracting and oversight of Village facilities. This person will work closely with Public Works staff. A proposed job description was provided to the Board. The proposed intergovernmental agreement sets the terms for the hiring, employment, compensation and termination of a shared employee. The agreement mirrors the current IGA for the Purchasing Manager. The Facilities Manager would be an employee of the Village of Oswego, covered by the Village's personnel policies, workers compensation insurance and receive the same customary benefits as other Village employees. Yorkville's Village Administrator would have a say in the hiring of the employee as well as input for performance evaluation. The total cost of the employee would be split between the two municipalities, with Oswego invoicing Yorkville. The agreement term is proposed to run through December 31, 2022. The agreement may be terminated with appropriate notice.

Board and staff discussion focused on the salary and benefits being shared between Oswego and Yorkville; should be on board by March; interviews will be held jointly; person will be doing work we are not currently doing; when new PD is open there will be warranties to keep track of; not having a person who knows what they are doing can cost thousands; person will be managing contracts and work closely with the Purchasing Manager; full-time position; Oswego will still need to hire a maintenance person; person will be on-site at both municipalities; the Village is currently underserved. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Kauffman to approve a Resolution Authorizing the Village to Enter Into an Intergovernmental Agreement with the United City of Yorkville Regarding Joint Employment of a Facilities Manager. (Subject to Attorney Review)

Aye: Ryan Kauffman  
Pam Parr  
Judy Sollinger

Karin McCarthy-Lange  
Luis Perez  
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.4. Resolution Approving an Intergovernmental Agreement for the Sharing of Services, Staff and Equipment Between the Village of Oswego, the United City of Yorkville, the Village of Montgomery and the Village of Sugar Grove. **Resolution No. 17-R-103**

Asst. Village Administrator Burns addressed the Board regarding an intergovernmental agreement (IGA) for the sharing of services, staff and equipment. The proposed intergovernmental agreement sets parameters for broader sharing of equipment, staff and services among the participating municipalities. Under the agreement, the Village Administrators would have authority to authorize sharing when needs arise. The terms of sharing would be on a case-by-case basis with cost re-imbursements included in the terms. The agreement would not obligate the Village to participate in an arrangement. Specific situations discussed included staffing assistance in the event of an extended leave, sharing of expertise among staff and sharing of additional specialized equipment. The goal is to reduce costs and continue to build relationships with our neighboring municipalities. The IGA is intended to cover short-term, temporary, or non-routine assistance opportunities. For long-term or more significant commitments, the Village will continue to adopt separate IGAs outlining terms and conditions.

Board and staff discussion focused on liking that we are doing for less; wanting staff to report efficiencies; having ideas for temporary staffing internally. Administrator Di Santo thanked Asst. Village Administrator Burns for her work on the sharing of service. Oswego has become a trailblazer in this kind of servicing. Excellent job. There was no further discussion.

A motion was made by Trustee West and seconded by Trustee Perez to approve a Resolution Approving an Intergovernmental Agreement for the Sharing of Services, Staff and Equipment Between the Village of Oswego, the United City of Yorkville, the Village of Montgomery and the Village of Sugar Grove.

|      |                |                      |
|------|----------------|----------------------|
| 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.5. Ordinance Granting Preliminary and Final PUD Plat and a Special Use Permit for an Automobile Laundry to Allow for the Development of a Delta Sonic at the Southeast Corner of US Highway 34 and Kendall Point Drive. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-78**

Director Zenner addressed the Board regarding a preliminary and final PUD and special use for Delta Sonic. The petitioner is requesting approval for an automobile laundry to allow for the development of a Delta Sonic facility. The proposed plan includes:

- 9,200 square foot convenience store/gas station with a small drive-up restaurant
  - Faces US Highway 34 near the intersection of Kendall Point Drive
  - Gas pumps located along US Highway
  - Open 5:30am-10:00pm, Monday-Friday; 6:00am-10:00pm on Saturday; 7:00am-10:00pm on Sunday
- 9,300 square foot express detailing building
  - Located at the center of the main building
  - Operates 7:00am-9:00pm, Monday- Saturday; and 8:00am-7:00pm on Sunday
- 6,750 square foot oil and lube facility
- 9,500 square foot car wash
  - Located along the east property line
  - Fully enclosed
  - Open 7:00am-9:00pm, Monday-Saturday; and 8:00am-7:00pm on Sunday
- 2,160 square foot prep hut
  - Located before the entrance to the car wash
  - Closest structure to the residents to the south lying 600 feet away from the nearest residential structure
- 13,725 square foot vacuum facility

### Traffic

The petitioner submitted a traffic study on the proposed development. The average vehicles per day that will visit the facility are anticipated to be approximately 500 vehicles during a weekday and 900 vehicles on a weekend. The majority of the vehicles will enter and exit the facility along US Highway 34 to the north. The original plan provided for two access points along US Highway 34. IDOT has restricted the access to one access point. IDOT has also required the installation of deceleration/turn lanes to ease access to the site along US Highway 34. The original plan provided full access along Kendall Point Drive. During the public hearings, residents expressed concerns with traffic exiting Delta Sonic and traveling south along Kendall Point Drive into the Steeplechase subdivision. The petitioner revised the plan to eliminate the full access point along Kendall Point Drive and restrict the left turn for vehicles exiting the site and traveling south along Kendall Point Drive. Staff believes that the traffic turning south onto Kendall Point Drive would be residents of the Steeplechase Development and not cut-thru traffic as has been speculated during the public hearing. The elimination of the left turn movement would require the Steeplechase residents to turn right to access US Highway 34, then travel west along US Highway 34 to 5<sup>th</sup> Street, then to turn left onto 5<sup>th</sup> Street to Yoakum and the entrance of their subdivision; thus creating a circuitous route due to the elimination of the left turn out movement. Staff recommended full access along Kendall Point Drive.

### Landscape

The petitioner submitted a landscape plan that exceeds the requirements by Code. Landscaping material has been concentrated along the southern property line to include evergreen material for year round screening for the Steeplechase Residents.

James Bogliolo, representative for Delta Sonic, was present to answer questions.

Board, staff and representative discussion focused on ComEd right-of-way is 175 feet wide; car wash requires special use; restricted access on US Highway 34 for left in and left out; right in, right out only on US Highway 34; no left out onto Kendall Point Drive; added six foot high fence and additional trees by the Steeplechase subdivision; hours of operation reduced; lighting plan will have no effect on the residents; sound mapping and traffic study information provided; brick and glass façade with solar panels; car wash water will be recycled; solar panels will save 1/3 of the power; first time Delta Sonic is using solar panels; residents do not want a left turn out; Delta Sonic accommodated the residents request; Village hires staff to provide opinions; some residents are excited about the development; Board member contacted by residents of Steeplechase; they have no problems and are ok with the left turn out; Board member received calls from Steeplechase residents that do not want the left turn out and are concerned about the pollution from vehicles waiting; cars will be over 200 feet from the subdivision; a 6" curb island (pork chop) will be installed on Kendall Point Drive making it so vehicles cannot turn left; residents are ok with the right turn in; staff is concerned with the no left out onto Kendall Point Drive; can always come back later and allow full access; PD is concerned with illegal left turns; why Delta Sonic chose this site; no plans for the vacant lot on the other side of Kendall Point Drive; would anticipate retail and small restaurants on the vacant lot; Delta Sonic location on Route 59 was originally developed with full access; no left out does not affect the businesses.

The draft ordinance provided by staff includes the provision for no left turn movement out of Delta Sonic onto Kendall Point Drive. If the Board chooses full access, it will need to be stated in the motion to allow for full access.

A motion was made by Trustee Parr and seconded by Trustee Perez to approve an Ordinance Granting Preliminary and Final PUD Plat and a Special Use Permit for an Automobile Laundry to Allow for the Development of a Delta Sonic at the Southeast Corner of US Highway 34 and Kendall Point Drive. (First Read of Ordinance, Waiver of Second Read)

Aye: Ryan Kauffman  
Pam Parr  
Judy Sollinger

Karin McCarthy-Lange  
Luis Perez



Nay: Joe West

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

J.6. Approval of a Concept Plan to Allow for the Development of a Residential Apartment Complex on a 27.48 Acre Parcel in the Prairie Market Development. (The Springs)

Approval of the concept plan was changed to discussion only. There is no vote on this item.

Director Zenner addressed the Board regarding a concept plan for the development of an apartment complex. In 2005, the Village approved an annexation agreement for the Prairie Market development. The approved plans called for the development of 210 townhome units on the 32.8 acre site along the south side of the Prairie Market commercial development. In March of 2017, the Village Board approved a major amendment to the PUD to allow for the development of an 88 unit assisted living/memory care facility on a 5.3 acre portion located at the intersection of Yoakum and 5<sup>th</sup> Street. The overall site has remained undeveloped since its initial approval in 2005. The petitioner of The Springs is requesting approval of a concept plan to allow for the development of a 320-unit apartment community behind Walmart. The existing PUD allows for 210 townhomes. The petitioner is requesting an amendment to allow for 320 apartments. If granted, a major amendment to the PUD, Preliminary/Final PUD and subdivision plats will be needed which includes a public hearing before the Planning and Zoning Commission. The proposed site plan includes:

- 16 apartment buildings containing 20 units per building for a total of 320 units
  - 32 studio units
  - 128 one bedroom units
  - 128 two bedroom units
  - 32 three bedroom units
  - 623 square feet to 1,430 square feet
  - Buildings will be two stories in height with attached garages and a limited number of detached garages
  - Each unit will have an individual entrance
- 560 total parking spaces throughout the development
  - 128 attached garage parking spaces
  - 30 detached garage spaces
  - 402 surface parking spaces
- Single vehicle access point along 5<sup>th</sup> Street with a second access point along 5<sup>th</sup> Street with the development of the Vitality project to the southeast
- Clubhouse near the entrance of the development
  - 4,000 square feet
  - Guest parking
  - Pool
  - 24-hour fitness facility
  - Large gathering room
  - Kitchen area
  - Coffee bar
  - Outdoor grilling
  - Wireless internet service in the clubhouse and pool area
- Pet playground
- Car wash
- Pet spa
- Gated community with private streets
- Residents will be required to utilize the access gate near the clubhouse to enter and exit the site.

Traffic

At the Planning & Zoning Commission meeting on November 9, 2017, the petitioner's traffic consultant provided testimony as to the potential impacts of the development. The consultant estimated that the majority of the

vehicles would exit the site and travel north to US Highway 34 versus traveling south to Wolf Road. It was their initial opinion that the traffic impacts of the proposed development would not have an adverse impact to the surrounding roadway network. The Planning & Zoning Commission requested to see the traffic impact of the proposed 320 units compared to the impact of 300 or 280 units as part of the Preliminary PUD process.

- Current 5<sup>th</sup> Street traffic= 6,000 vehicles per day
- 5<sup>th</sup> Street capacity= 12,000 to 15,000 vehicles per day
- The Springs would add 2,062 vehicles per day

#### Fencing

The petitioner proposed a vinyl coated chain link fence to surround the perimeter of the residential area. Staff suggested a decorative aluminum fence similar to the fence around the clubhouse area. The Planning & Zoning Commission indicated that they would be open to chain link fencing and directed staff and the petitioner to work together on the fence issue as part of the preliminary PUD review process.

- All visible fencing from the public right-of-way will be decorative
- Chain link fencing is a high quality black vinyl coated fencing
- Shape of the site dictates a disproportionate amount of perimeter fencing

#### Landscaping

The proposed plan shows buildings 2, 3, 4 and 5 lying close to the southern and eastern property lines adjacent to the wetland/detention areas. Additional setbacks should be provided for additional opportunities to provide landscape buffers to the common open areas.

#### Pedestrian Access

There is currently a path connecting residents of Churchill club with the commercial retail. A small portion of the path has not been constructed. The proposed fence around the site would prohibit use of the path. The petitioner is proposing an extension of the 10 foot wide path to be located along the western perimeter. This will maintain the pedestrian connection for the Churchill residents and maintaining a fence along its perimeter. The path adds approximately 3,000 feet of path.

Brad with Continental Builders, Bob McCaigue, Development Associate for Continental Properties and Michael Werthmann with KLOA were present to answer questions regarding the proposed plan.

Board, staff and representative discussion focused on liking the idea for a decorative fence; Park District felt a chain link fence would work better; comps in the area are old; similar Springs location in North Aurora; neighborhood outreach meetings; traffic issues; wetlands not on the site; high quality landscaping; second emergency access; rent from \$1,100 to \$2,000 per month; path will be outside the fence; DNA needs to be provided for all dogs; feces found is checked to DNA provided; residents receive fines for feces not picked up; extended turn lane by Wal-Mart; 2/3 of traffic will turn north with 1/3 turning south out of the complex; 10-12% increase in traffic daily; traffic will be thoroughly evaluated; entry into the complex will require a code; fence will be 5 feet tall; safety issue with lighting along the path; dark area by Meijer; whether it's normal to have only one access point; fire truck access; secondary emergency access between Dick's Sporting Goods and Burlington; emergency access is a private drive with PD and FD given permission to use; could have blockage of entrance due to an emergency; error in mapping for the location; 18,000 units in 18 States; 13,000 units owned and managed by Continental Properties; large incentive for Continental to maintain and not sell; population growth; not a high quality product in Oswego now; Continental expanding in the Chicagoland area; 13-18 leases per month; can only compare to Farmington Lakes; needing to see more comps; Churchill residents concerned with traffic; making adjustments to the proposal; childcare facility across the street; crossing guards; increase of units is minimal; will not hurt the wetlands; land donation; figures being used are outdated; need new study; cost estimate in doing a study; tracking demographic data and student percentage; concerns with density and access; addressing the access points in cases of emergency; looking to start the development end of Summer 2018 and leasing the Summer of 2019; clubhouse would be built first; will be fully leased in 12 months.

Item to go back to the Planning & Zoning Commission for further review and discussion.

**PRESIDENT’S REPORT**

K.1. Proclamation - December Drunk and Drugged Driving (3-D) Prevention Month

President Johnson read the Proclamation.

- Congrats to the Police Department for their accreditation.
- Thank you to Chief Burgner and Trustee Perez for their work with KenCom.
- Attended the Metropolitan Mayor’s Caucus this week. All Mayors continue to be concerned with the new proposed Federal tax plan as it relates to the State and Local tax deduction. The tax deduction may be taken away under the new plan; please call your State Representatives.
- Thank you those who have signed up to volunteer at Christmas Walk. The tree lighting should be fun.
- This Saturday is Small Business Saturday.
- Happy Thanksgiving.

**TRUSTEE REPORTS**

Trustee McCarthy-Lange- looking forward to Christmas Walk and thanked all for their hard work.

Trustee West- Happy Thanksgiving

Trustee Kauffman- congratulated Chief Burgner for the accreditation; thanked Christina Burns for all her hard work and saving the Village money; thanked Corinna Cole and Jenette Sturges for putting together an exceptional Christmas Walk.

**CLOSED SESSION**

A motion was made by Trustee Kauffman and seconded by Trustee Parr 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 9:12 p.m.

The Board returned to open session at 10:11 p.m.; all remaining members still present.

**ADJOURNMENT**

A motion was made by Trustee Sollinger 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 10:11 p.m.

Tina Touchette  
Village Clerk