

**Village of Montgomery
1300 South Broadway
Montgomery, Illinois 60538**

**Village Board Meeting
January 8, 2007**

Village President Michelini called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance

Roll Call

Trustee Felten	Yea	Trustee Keck	Yea
Trustee Mattingly	Absent	Trustee Watermann	Yea
Trustee Lee	Yea	Trustee Heinz	Yea

Also present: Village Manager Anne Marie Gaura, Director of Finance Jeff Zoephel, Chief of Police Dennis Schmidt, Director of Public Works Mike Pubentz, Director of Building Tim Brophy, Assistant to the Village Manager Mera Johnson, Planner Michael Brown, Deputy Village Clerk Helen Prester, Village Attorney Peter Wilson, Village Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Public Recognition of Gene Plott for 20 Years of Service on the Board of Fire and Police Commissioners.

Gene Plott has resigned from the Board of Fire and Police Commissioners after 20 years of service. He started December 30, 1986. Chief of Police Schmidt reminded those present that the Board of Fire and Police Commissioners are responsible for overseeing appointments to and promotions within the Police Department. Mr. Plott started his tenure in this position after retiring from the City of Aurora Fire Department. He is an active, contributing member of the community, having been involved with Montgomery Fest and Neighborhood Watch. Village President Michelini presented Mr. Plott with a plaque commemorating his 20 years of service to the Village.

The meeting took a recess at 7:15 p.m. so the Board could partake of refreshments in honor of Mr. Plott's retirement.

Board, Commission, and Committee Reports

Village President Michelini called the Meeting back to order at 7:30 p.m. and introduced Ann Marie Pawlisz, 2506 Hartfield Drive, to the Board. Ms. Pawlisz is being proposed as a new member of the Police Commission. She resides in the Blackberry Crossing Subdivision and has lived in Montgomery for 8 1/2 years. She is a teacher in the West Aurora School District, and had expressed an interest in "giving back something to the place she now calls home. Her husband is a fireman and her father a retired Chief of Police from the Aurora Police Department.

A. Beautification Committee – Trustee Jeanne Felten

The next meeting will be held Wednesday, January 17, 2007 at 6:00 p.m. at the Village Hall.

B. Development Committee – Trustee Lloyd Mattingly

Trustee Watermann (reporting in Trustee Mattingly's absence) advised that the next meeting will be held Thursday, January 25, 2007 at 7:30 a.m. at the Village Hall.

C. Finance Committee – Trustee Jeannie Felten

The January 10, 2007 Finance Committee has been canceled. The next meeting will be held on Wednesday, February 14, 2007 at 6:30 p.m. at the Village Hall

D. Historic Preservation Commission – Village President Marilyn Michelini

The next Historic Preservation Commission Meeting will be held Monday, January 15, 2007 at 6:30 p.m. at Ruth Wagner's house, located on S.E. River Road.

E. Intergovernmental and Community Committee- Trustee Peter Heinz

The next meeting will be held Tuesday, February 13, 2007 at 8:00 a.m. at the Village Hall.

Consent Agenda

- A. Minutes of the Committee of the Village Board Meeting of December 11, 2006.**
- B. Accounts Payable through January 2, 2007 in the Amount of \$530,913.63.**
- C. Building Report for the Month of December 2006.**
- A. Appointment by the Village President of Ann Marie Pawlisz, 2506 Hartfield Drive, to the Police Commission to Fill a Vacancy for a Term from January 8, 2007 through January 31, 2008.**
- B. Appointment By the Village President of Butch Distajo, 1332 Sycamore Lane, to the Plan Commission to Fill a Vacancy for a Term from January 8, 2007 through January 31, 2008.**
- C. Appointment By the Village President of Butch Distajo, 1332 Sycamore Lane, to the Zoning Board of Appeals to Fill a Vacancy for a Term from January 8, 2007 through January 31, 2008**
- D. Acceptance of Easements for the Orchard Road Water Main Relocation.**
- E. Ordinance 1263 Establishing Backup Special Service Area No. 29 for Auto Zone (Waiver of First and Passage on Second Reading).**
- F. Ordinance 1265 Establishing Backup Special Service Area No. 30 for Orchard Crossing (Waiver of First and Passage on Second Reading).**
- G. Ordinance 1268 establishing Backup Special Service Area No. 31A for the Blackberry Creek Retail Development (Waiver of First and Passage on Second Reading).**
- H. Ordinance 1270 Establishing Backup Special Service Area No. 31B for the Blackberry Creek Retail Development (Waiver of First and Passage on Second Reading).**
- I. Revised 2007 Meeting Schedule.**

Trustee Heinz moved **to approve the Consent Agenda.** Trustee Felten seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea.

Items for Separate Action

A. Amendment to Inducement Agreement with Ogden Hill LLC, Regarding JCPenney.

Attorney Wilson explained that this Amendment modifies the existing Agreement that relates to sales tax incentives with Inland and the Ogden Hill retail development. It carves out a separate sales tax incentive for the JCPenney store being built on this site and proposes the following:

1. Exclusively for a Penney's to locate at this site.
2. A \$2 million sales tax incentive agreement.
3. No interest on the incentive.
4. A 50/50 sharing of sales tax revenue between the Village and Developer.
5. The Agreement will run for a maximum of 15 years, or until fully paid.

The original Agreement will stay in place for all other property.

Trustee Heinz moved **to approve an Amendment to Inducement Agreement with Ogden Hill, LLC, Regarding JC Penney.** Trustee Watermann seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea.

B. Economic Incentive Agreement with Inland-Phillips, LLC to Induce the Development of the Montgomery Preserve.

Manager Gaura reminded those present that this agreement provides for the development of the Montgomery Preserve, an area north of Route 30, east of Fifth Street, west of the Graham annexation area and south of Waubansia Avenue.

Attorney Wilson commented on the time and effort put forth by staff to get this agreement in place. The agreement itself provides for the potential development of the Tax Increment Financing (TIF) District, referred to as the Montgomery Preserve. The agreement, if approved, will require Inland (the land owner) to develop the property with extensive storm water detention requirements and make significant land dedications to the Village, Park and Library Districts. He reminded the audience that this includes a seven acre site and building pad for the Oswego Library District. Funding for improvements will be provided by notes issued to the Developer to be paid back through TIF funds.

Kathleen Field Orr, TIF Attorney, commented that the Economic Incentive Agreement under consideration is a perfect example of a good use of TIF. It details everything required of the developer, who will fund all improvements. Trustee Heinz confirmed that the regional water detention areas will be constructed over a three year period.

Trustee Lee **moved to approve an Economic Incentive Agreement with Inland-Phillips, LLC to induce the Development of the Montgomery Preserve.** Trustee Felten seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Lee, Heinz, Felten, Keck, Watermann voting yea.

C. Ordinance 1288 Authorizing a Special Use for Orchard Crossing Lot 6 (First Reading).

Planner Brown explained that Ordinance 1288 grants a Special Use for a Starbucks planned for Lot 6 of the Orchard Crossing retail development. The Special Use details screening of the drive-through facility and the care and maintenance of the outdoor café area. This Ordinance will come back before the Board for approval at the January 22nd Village Board Meeting.

D. Recommendation of the Plan Commission on PC 06-047 Z on a Zoning Text Amendment to Section 4, General Provisions of the Montgomery Zoning Ordinance.

Staff has been working with the Plan Commission on updating Village Zoning Ordinances in an effort to simplify administration and bring them into alignment with current standards in surrounding

communities. It is the Plan Commission's recommendation that Section 4, General Provisions, be revised to restrict chain link fences and permanent snow fences in the Village. It is also recommended that the Village require computer Auto-Cad files for site plan reviews.

Trustee Heinz expressed concerns with restricting chain link in the Village. Trustee Lee asked if residents would be allowed to repair existing chain link fences. Attorney Wilson stated that it is his understanding that damaged or destroyed chain link could be fixed and returned to its original state. Planner Brown reminded the Board that the majority of new development annexation agreements prohibit the installation of chain link. Director of Building Brophy stated that the Building Inspectors will be focusing on fences and fencing violations this winter.

Trustee Keck **moved to approve the Plan Commission recommendation on PC 06-047 Z on a Zoning Text Amendment to Section 4, General Provisions of the Montgomery Zoning Ordinance.** Trustee Felten seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Keck, Watermann, Lee, Heinz, Felten voting yea.

E. Recommendation of the Plan Commission on PC 06-047 Z on a Zoning Text Amendment Update to Section 13, Off-Street Parking and Loading of the Montgomery Zoning Ordinance. Section 13 updates parking requirements to make them consistent with regulations in neighboring communities. Bicycle parking has been added and updates have been made to the Mill District to reflect current downtown parking requirements.

Trustee Keck **moved to approve the Plan Commission recommendation on PC 06-047Z on a Zoning Text Update to Section 13 Off-Street Parking and Loading of the Montgomery Zoning Ordinance.** Trustee Felten seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Keck, Watermann, Lee, Heinz, Felten voting yea.

F. Ordinance 1298 Amending the Montgomery Zoning Ordinance, Section 4, General Provisions, and Section 13, Off-Street Parking and Loading (Waiver of First and Passage on Second Reading). As a part of the Village Ordinance Review, the Plan Commission has recommended approval of Ordinance 1298 Amending the Montgomery Zoning Ordinance, Section 4, General Provisions, and Section 13, Off-Street Parking and Loading.

Trustee Watermann moved to approve **Ordinance 1298 Amending the Montgomery Zoning Ordinance, Section 4, General Provisions, and Section 13, Off-Street Parking and Loading (Waiver of First and Passage on Second Reading).** Trustee Lee seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Watermann, Lee, Heinz, Felten, Keck voting yea.

G. Resolution 07-001 Authorizing Execution of an IMF Litigation Cy Pres Grant Application. Chief Schmidt explained that many municipalities imposed an Infrastructure Maintenance Fee from January 1, 1998 through February 7, 2002. The Illinois Supreme Court ruled this fee was unconstitutional, only as it related to wireless retailers. The court approved a settlement agreement that stipulated 60% of the settlement fund be distributed for municipal emergency 911 programs. Staff is seeking a grant from the IMF litigation to enhance the Village's 911 services.

Trustee Heinz moved **to approve Resolution 07-001 Authorizing Execution of an IMF Litigation Cy Pres Grant Application.** Trustee Keck seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea.

H. Intergovernmental Agreement between the City of Aurora, Aurora Township and the Village of Montgomery Relating to the Provision of Snow Removal Services for the Ashland Avenue Bridge.

Manager Gaura is seeking authorization from the Board to enter into an agreement with the City of Aurora to plow the Ashland Avenue Bridge until the question of ownership of the bridge is resolved. Attorney Wilson commented that the intent of the agreement is to insure the bridge is plowed pending a final resolution by the court.

Trustee Heinz moved **to authorize the Village Manger to approve and execute an Intergovernmental Agreement between the City of Aurora, Aurora Township and the Village of Montgomery Relating to the Provision of Snow Removal Services for the Ashland Avenue Bridge.** Trustee Felten seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea.

Items for Discussion

Village President Michelini read a letter from residents Mr. & Mrs. Stuart Johnson thanking Pete Heinz and Public Works for removing an infected tree located at the corner of South Main and Scott Streets. Village President Michelini thanked Trustee Heinz and Director Pubentz for taking care of this concern.

New or Unfinished Business

There was no New or Unfinished Business to come before the Board this evening.

Executive Session - 7:58 p.m.

Trustee Felten moved **to adjourn to Executive Session to Discuss Litigation Which is Filed and Pending Pursuant to 5ILCS 120/2(c)11 and to Discuss the Employment of an Employee Pursuant to 5ILCS 120/2(c)1.** Trustee Watermann seconded this motion.

5 Yea. 0 No. Motion Carried. Trustee Felten, Keck, Watermann, Lee, Heinz voting yea.

Meeting Reconvened - 8:35 p.m.

Village President Michelini called the meeting back to order at 8:35 p.m..

Future Meetings

Plan Commission Meeting - Thursday, January 11, 2007 at 7:00 PM.
Committee of the Whole Meeting - Tuesday, January 16, 2007 at 7:00 PM .
Village Board Meeting - Monday January 22, 2007 at 7:00 PM.

Adjournment – 8:40 p.m.

Seeking no further business to come before the Board, it was moved by Trustee Heinz and seconded by Trustee Keck to **adjourn the meeting.**

5 Yea. 0 No. Motion Carried. Trustee Heinz, Felten, Keck, Watermann, Lee voting yea.

Barbara G. Argo
Village Clerk