

**Village of Montgomery
200 N. River Street
Montgomery, Illinois 60538**

**Village Board Meeting
January 12, 2009**

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	Yea	Trustee Watermann	Yea
Trustee Lee	Yea	Trustee Heinz	Yea

Also present: Village Manager Anne Marie Gaura, Director of Finance Jeff Zoepfel, Chief of Police Dennis Schmidt, Director of Public Works Michael Pubentz, Director of Community Development Jane Tompkins, Assistant to the Village Manager Mera Johnson, Village Attorney Steve Andersson, Village Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Proclamation Designating January 19, 2009 as Martin Luther King Day in the Village of Montgomery.

President Michelini read a proclamation honoring Dr. Martin Luther King for devoting his life and career to the advancement of civil rights by helping to break down the walls of injustice and therefore allowing minorities to succeed as individuals and as members of society. She urged citizens to recognize January 19, 2009 as a day of service and to honor this civil rights leader.

Trustee Heinz moved **to designate January 19, 2009 as Martin Luther King Day in the Village of Montgomery.** Trustee Lee seconded this motion.

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

Board, Commission and Committee Reports

A. Beautification Committee - Trustee Jeannie Felten

The Beautification Committee is scheduled to meet on Wednesday, January 21, 2009 at 6:00 p.m. at the Village Hall. Trustee Felten stated that this meeting might be canceled.

B. Development Committee - Trustee Rob Watermann

The Development Committee will meet Thursday, January 22, 2009 at 7:30 a.m. at the Village Hall.

C. Finance Committee - Trustee Bill Keck

The Finance Committee scheduled for January 14, 2009 has been canceled. The next meeting is scheduled for Wednesday, February 11, 2009 at 6:30 p.m. at the Village Hall.

D. Historic Preservation Commission - Village President Marilyn Michelini

The Historic Preservation Commission will meet Monday, January 19, 2009 at 6:30 p.m. at the Village Hall.

E. Intergovernmental and Community Committee - Trustee Denny Lee

The Intergovernmental and Community Committee will meet on Tuesday, February 10, 2009 at 8:00 a.m. at the Village Hall.

F. Montgomery Anniversary Committee - Trustee Bill Keck

No meetings are scheduled at this time.

Consent Agenda

- A. Minutes of the Committee of the Whole Meeting of November 18, 2008.**
- B. Minutes of the Village Board Meeting of December 8, 2008.**
- C. Accounts Payable through December 16, 2008 in the Amount of \$605,331.35.**
- D. Accounts Payable through January 7, 2009 in the Amount of \$274,165.41.**
- E. Building Report for the Month of December 2008.**
- F. Accounts Receivable Report for the Month of November 2008.**
- G. Accounts Receivable Report for the Month of December 2008.**
- H. Resolution 09-001 Authorizing the Acceptance of Public Improvements for Blackberry Crossing.**
- I. Ordinance 1393 Reducing the Number of "Class G" Liquor Licenses (Bill's Restaurant and Boca Burritos) (Waiver of First and Passage on Second Reading).**
- J. Recommendation of the Plan Commission on PC 08-035 Z on the Rezoning of the Former Village Hall Site from R-3 to B-1.**
- K. Ordinance 1392 Rezoning the Former Village Hall Site from R-3 to B-1 (Waiver of First and Passage on Second Reading).**
- L. Ordinance 1395 Providing for the Abatement of the 2008 Tax Levy on General Obligation Utility Tax Alternate Revenue Source Bonds, Series 2002A (Waiver of First and Passage on Second Reading).**
- M. Ordinance 1396 Providing for the Abatement of the 2008 Tax Levy on General Obligation Utility Tax Alternate Revenue Source Bonds, Series 2005 (Waiver of First and Passage on Second Reading).**
- N. Ordinance 1397 Providing for the Abatement of the 2008 Tax Levy on General Obligation Waterworks System Alternate Revenue Source Refunding Bonds, Series 2007 (Waiver of First and Passage on Second Reading).**
- O. Ordinance 1398 Providing for the Abatement of the 2008 Tax Levy on General Obligation Alternate Revenue Source Bonds, Series 2008 (Waiver of First and Passage on Second Reading).**
- P. Ordinance 1394 Providing for the Abatement of the 2008 Tax Levy on Special Service Area No. 10 (Waiver of First and Passage on Second Reading).**

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

6 Yea. 0 No. Trustee Heinz, Felten, Keck, Mattingly, Watermann, Lee voting yea.

Items for Separate Action

A. Resolution 09-002 in Opposition to the Amendment to SB 2083 and SB 3007 Creating the Emergency Budget Act of Fiscal Year 2009.

Assistant to the Village Manager Johnson updated on the Board on two Amendments pending in the State Senate that would adversely impact revenues to the Village if passed. SB 2083 would allow the Governor to withhold up to 8% of Local Government Tax Funds as part of the Emergency Budget Act of 2009, with an impact to Montgomery of approximately \$108,000.

SB 3077 would authorize the Governor to with hold 8% of all state collected local government revenues, with an impact to the Village of approximately \$419,000.

Manger Gaura stressed the importance of the public and the press being aware of this legislation and emphasized that the State should not be allowed to balance their budget at the expense of local municipalities and counties. The Village has sent letters protesting this proposal to all local legislators. Trustee Felten suggested copies of this legislation and the proposed Resolution, as well as a link to State Legislators, be added to the Village of Montgomery Website so residents can be aware of this legislation and voice their opposition as well.

Trustee Keck moved **to approve Resolution 09-002 opposing SB 2083 and SB 3077 that would allow the Governor to withhold Local Government Distributive tax funds.** Trustee Felten seconded this motion.

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

B. Village Board Policy 01-02 for the Multi-Purpose Room Usage.

Assistant to the Village Manager distributed a draft of a Multi-Purpose Room Meeting Policy for comment and review.

- A \$50 deposit or Certificate of Insurance will be required. (Other governmental entities will be exempted from this charge).
- Only residents or groups affiliated with the Village will be allowed to use the room
- Only the Multi-Purpose Room and adjacent bathrooms will be available.
- Room will be available Monday through Thursday, 8:00 a.m. to 10:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m.
- Private social gatherings will not be allowed.

Assistant Johnson clarified that groups closely affiliated with the Village, such as the MEDC, will be allowed to use the Community Room for meetings when Staff is included. She also advised that until the automatic doors are installed, all meetings would need to be scheduled during regular working hours. Both Trustee Watermann and Trustee Keck indicated that this was a good starting point and recognized the potential to modify this policy as the need arises.

Trustee Watermann moved **to approve Board Policy 01-02 Use of Multi-Purpose Room.** Trustee Felten seconded this motion.

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

C. Authorization to Give Consent to Utility Easement within the Landscape Buffer.

Director Tompkins advised the Board that when the Orchard Crossing development was first under consideration, it was believed that utilities would be provided from the south side adjacent to Route 30. Instead, Com Ed provided their services from the north. Com Ed is now seeking approval to provide services to the new Burger King and other outlots from the north as well. The property owner, McVickers Orchard LLC, has asked that the Village agree to this easement. Staff is recommending approval of this change under two conditions:

- The system is installed underground.
- The 10-foot easement is located at the southern most portion of the landscape area to minimize disturbance of the landscaping.

Both Com Ed and McVickers have agreed to these two stipulations.

Trustee Keck moved **to approve Authorization to Give Consent to Utility an Easement within the Landscape Buffer to McVickers Orchard LLC.** Trustee Mattingly seconded this motion.

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

D. Recommendation of the Plan Commission on PC 08-031 SU on an Amendment to a Special Use for New Heart Worship Center International.

Director Tompkins advised that the Petitioner is seeking an amendment to a Special Use Ordinance that allows them to operate as a Church that was granted back in 2003. The Ordinance requires a sidewalk be put in along the Jericho Road frontage. The Church is struggling to get all improvements completed, and has now asked that this requirement be eliminated.

Staff suggested a compromise whereby the sidewalk would not be eliminated, but deferred until a time five years from the amended request or sooner, if the use of the property changes or adjacent properties develop. The Plan Commission has supported this compromise and moved to forward this issue to the Board with this as their recommendations. Director Tompkins reminded the Board that this compromise is in part due to the fact that there are no other sidewalks in that area.

Trustee Lee asked if other outstanding issues with this site have been remedied. Director Tompkins advised that one of the conditions of this compromise would be that drainage issues would have to be fixed in the spring of 2009. Bases for light poles are up, but other required improvements have not been acted on.

Director Tompkins commented that Staff is hoping a compromise can be worked out so the church can continue to operate and hopefully raise the necessary funds to become compliant with all Village requirements. She reminded the Board that the Church has not been able to operate out of this facility for more than six months.

Trustee Lee moved **to approve a Recommendation of the Plan Commission on PC08-031 SU on a Special Use Amendment for New Heart Worship Center International at 1750 Jericho Road.** Trustee Felten seconded this motion.

1 Yea. 5 No. Motion Denied. Trustee Lee Voting Yea. Trustee Felten, Keck, Mattingly, Watermann, Heinz voting No.

Items for Discussion

There were no Items for Discussion this evening.

New or Unfinished Business

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

Executive Session

There was no Executive Session this evening.

Future Meetings

- A. Plan Commission Meeting - Thursday, January 15, 2009 at 7:00 p.m.
- B. Committee of the Whole Meeting - Tuesday, January 20, 2009 at 7:00 p.m.
- C. Village Board Meeting - Monday, January 26, 2009 at 7:00 p.m.

Adjournment – 7:28 p.m.

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

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

Barbara G. Argo
Village Clerk