

President Brolley called the meeting to order at 7:06 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Absent	Trustee Bond	Absent

Also present: Administrator Jeff Zoephel, Attorney Laura Julien, Chief of Police Phillip Smith, Deputy Chief of Police Armando Sanders, Engineer Peter Wallers, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Acting Director of Public Works Mark Wolf, Village Clerk Penny Fitzpatrick, Members of the Press and others.

Public Participation

A. Herschel Luckinbill Recognition.

President Brolley recognized Herschel Luckinbill as an Honor 200 Veteran Award recipient, presented him with a Bicentennial Illinois Flag and thanked him for his service to Illinois veterans. Mr. Luckinbill announced that the Wall of Honor Memorial would be coming to Oswego/Montgomery on May 22nd - June 4th, 2019 and shared it depicted the names and photos of service men and women killed in action in the Desert Storm and Shield Middle East conflicts.

B. Quilts of Valor Presentation by Rita Pennington of the Fox Valley Veterans Breakfast Club.

Herschel Luckinbill and Rita Pennington of the Fox Valley Veterans Breakfast Club presented veterans Sean Davidson, Police Chief Phil Smith and Charles Cornelius with Quilts of Honor for their military service. They draped the quilts over the recipients' shoulders, thanked them for their service in the Marines, Army and Navy and took a group photo with them.

C. Presentation of Festival of Tree Awards.

President Brolley thanked the Festival of Trees participants for their efforts and creativity in decorating trees in the Village Hall. He announced the top three winners of the contest and presented awards to St. Luke's Christian Academy (3rd Place), Fox Metro (2nd Place) and Orchard Road Animal Hospital (1st Place). President Brolley took photos with the winners and presented each of them with a certificate to thank them for their participation.

D. Swearing in of Police Officer Kevin Bayer.

Chief of Police Phil Smith introduced Officer Kevin Bayer and shared information regarding his education and experience. President Brolley swore in Office Bayer, had a group photo taken with Chief Smith, Officer Bayer and his family and welcomed the new officer to the Montgomery Police Department.

E. Deborah Ellis, 983 Audubon, Aurora, Regarding Ricky Rockets.

Deborah Ellis, a Lindens subdivision resident, shared her concerns with the proposed Ricky Rockets commercial development. She mentioned potential issues with safety, quality of life, decreased home values, traffic flow, video gaming, overnight truck parking and environmental effects from light, sound and fumes on her community. Mrs. Ellis asked that the special use request for the Ricky Rockets development project not be approved at this location.

F. Kevin Ellis, 983 Audubon, Aurora, Regarding Ricky Rockets.

Kevin Ellis, a Lindens neighborhood community resident, asked that all of the Lindens residents present in the audience stand up to be acknowledged as showing their concern with the proposed Ricky Rockets commercial development.

G. Public Comments (Two Minute Opportunity).

Carl Franco, City of Aurora Alderman, stated his concerns with the proposed Ricky Rockets development and its impact on the neighboring Lindens residential community in Aurora. He requested the opportunity for additional discussion on this

proposed development and for consistency with the Board's decision making process regarding this commercial development.

Lindens community residents, Dianne Giammarino, Jennifer Haring and Liz Hoskinson shared their concerns with Summerhill Drive being extended to Rochester Drive, appropriate notices being provided to homeowners, potentially diminished resale values, overnight truck parking and vehicle headlights shining into their residential neighborhood. They also expressed concern with the safety of children and drivers at the intersection of Summerhill Drive and Jericho Road and the possible diminished use and environmental impact on Jericho Lake by the proposed development.

Fire Chief Tom Meyers noted his concerns with the recent TIF rebate process and asked that the proposed rebates be handled without delays. He additionally inquired about the status of the interest on the TIF account funds, status of the 2017 Montgomery Outflow Water Project Study and shared that he anticipated discussion on the TIF rebate process later on in the meeting agenda.

Bruce Goldsmith, Attorney for Aurora University, noted the University was opposed to a text amendment request for gas and petroleum manufacturing south of their newly developed Spartan Athletic Park. He shared this text amendment could allow for inconsistent development and heavier uses in the zoning district which could cause air quality issues and impact the use of their new outdoor athletic fields.

Consent Agenda

- A. Minutes of the Village Board Meeting of December 10, 2018.**
- B. Building Report for December 2018.**
- C. Accounts Payable through December 21, 2018 in the Amount of \$386,313.11.**
- D. Accounts Payable through January 10, 2019 in the Amount of \$713,805.52.**
- E. Cancellation of January 22, 2019 Committee of the Whole Meeting.**
- F. Appointment by the Village President of Ryan Morton, 2254 Gallant Fox Circle, to the Police Pension Board to Fill a Vacancy for a Term from January 14, 2019 through April 30, 2020.**
- G. Ordinance 1839 Amending the Village Code Chapter 3, Section 3-9 (Reduction of Class G Liquor License—South Moon BBQ) (Waiver of First and Passage on Second Reading).**

Trustee Jungermann **moved to approve Items A-G on the Consent Agenda.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

Items for Separate Action

- A. Recommendation of the Plan Commission on PC 2018-024 Special Use Request for a Utility Scale Solar Energy System Located at 800 S River Road – GRNE Solar, Fox Metro Water Reclamation District (Second Reading).**

Director Young summarized the Plan Commission's recommendation to approve a Utility Scale Solar Energy System for GRNE Solar at the Fox Metro Water Reclamation District. He shared that staff recommended acceptance of the recommendation and requested Board approval to grant the special use request for the petitioner.

Trustee Sperling inquired if the paperwork was ready for Fox Metro to be able to file for funding assistance on January 15, 2019 and Director Young confirmed that it was. Attorney Julien clarified that both the Recommendation of the Plan Commission PC 2018-024 and Ordinance 1838 would need to be voted on separately.

Trustee Sperling **moved to approve the Recommendation of the Plan Commission on PC 2018-024 Special Use Request for a Utility Scale Solar Energy System Located at 800 S River Road – GRNE Solar, Fox Metro Water Reclamation District (Second Reading).** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann and Trustee Marecek voting yea.

B. Ordinance 1838 Granting a Special Use for a Utility Scale Solar Energy System (US-SES) Located at 800 S. River Road – GRNE Solar, Fox Metro Water Reclamation District (Second Reading).

Trustee Sperling moved to approve Ordinance 1838 Granting a Special Use for a Utility Scale Solar Energy System (US-SES) Located at 800 S. River Road – GRNE Solar, Fox Metro Water Reclamation District (Second Reading). Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann and Trustee Marecek voting yea.

C. Recommendation of the Plan Commission on PC 2019-001 Z Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Avi Zamir on behalf of Victorian Apartments.

Director Young summarized the request by Victorian Apartments for a Text Amendment to the Zoning Ordinance Regarding Density. He clarified that staff agreed with the Plan Commission's vote against granting this request and instead suggested the petitioner explore a Planned Unit Development Amendment to increase their allowable density.

Avi Zamir, Consultant Engineer for Victorian Apartments, requested that their density and number of apartment units per acre be amended to allow for expansion and business development. He requested permission to add thirty to sixty new units to their complex. Engineer Zamir further shared the property owners were purchasing five acres of land adjacent to the apartment complex with the hopes to annex the property and add additional apartment units and parking spaces to the complex.

Board discussion was had and questions were raised regarding how long it would take staff and the Chicago Metropolitan Agency for Planning to amend the Zoning Ordinance Regarding Density versus how long it would take for staff to create a PUD amendment. It was also questioned whether the existing apartment units had been brought up to code and if the applicant could add on to the existing apartments or build new units in the complex. President Brolley noted Board consensus to deny this text amendment request and suggested the petitioner work with staff on drafting a PUD amendment to expand their property. He shared this item would come back for discussion and action at a future meeting.

Trustee Marecek moved to approve the Recommendation of the Plan Commission on PC 2019-001 Z Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Avi Zamir on behalf of Victorian Apartments. Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee and Trustee Jungermann voting yea.

D. Intergovernmental Agreement for the Construction of the Traffic Signal at Concord Drive and Galena Road.

Engineer Wallers noted staff requested approval of an Intergovernmental Agreement with Kendall County and the Village of Oswego for funding of a traffic signal on Concord and Galena. He shared the details of the cost sharing agreement regarding construction, engineering, maintenance and ongoing energy costs for the project and noted this agreement was subject to approval by both Kendall County and the Village of Oswego.

Trustee Jungermann inquired and Engineer Wallers advised they hoped to have the traffic signal operational by July 2019, subject to approvals and equipment availability. Trustee Jungermann also asked if this project could be expedited and Engineer Wallers noted staff would look into it and provide updates on the project's approvals and status.

Trustee Jungermann moved to approve the Intergovernmental Agreement for the Construction of the Traffic Signal at Concord Drive and Galena Road. Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

E. Professional Services Agreement with Engineering Enterprises, Inc. for Design and Construction Engineering for a Traffic Signal at Concord and Galena.

Engineer Wallers noted this Professional Services Agreement included the Design and Construction Engineering costs for the Traffic Signal at Concord and Galena. He further clarified the project costs were approved by the Village of Oswego.

Trustee Marecek **moved to approve the Professional Services Agreement with Engineering Enterprises, Inc. for Design and Construction Engineering for a Traffic Signal at Concord and Galena.** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee and Trustee Jungermann voting yea.

F. Ordinance 1837 Granting a Special Use for Drive Through and Outdoor Café – Lot 24 in Ogden Hill Commercial Subdivision (Second Reading).

Director Young summarized Ordinance 1837 which would grant a special use for a three tenant building, drive through pick up lane and outdoor café in the Ogden Hill Commercial Subdivision. He noted shared access and traffic flow had been amended, reviewed and deemed acceptable by all the interested parties and staff was requesting approval of this item. Attorney Julien summarized that Ordinance 1837 would be subject to final engineering and staff review.

Trustee Sperling **moved to approve Ordinance 1837 Granting a Special Use for Drive Through and Outdoor Café – Lot 24 in Ogden Hill Commercial Subdivision (Second Reading).** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann and Trustee Marecek voting yea.

G. Ordinance 1836 Rezoning and Granting a Special Use/Planned Unit Development (Ricky Rockets Mixed Use Development – Jericho & Orchard LLC) (Second Reading).

Director Young summarized Ordinance 1836 Granting a Special Use and discussed the changes to the design plan for the Ricky Rockets Mixed Use Development at the southwest corner of Jericho & Orchard Roads. He outlined modifications to the signage, landscape and drainage plans that addressed previous concerns, commented on the commercial zoning of the site and requested approval to grant this special use/planned unit development request.

Mike MacKinnon, Developer for Ricky Rockets, presented amendments to the signage, landscaping and berming plans and discussed the truck traffic, diesel pumps, parking restrictions and towing enforcement for the site. He additionally explained the planned roadway and infrastructure phase improvements, car wash vacuum controls, convenience store packaged liquor sales and pour liquor license request for a future restaurant planned in the retail site.

Board discussion was had and questions were raised regarding truck access, overnight parking restrictions and landscape screening requirements. Also discussed were the car wash hours of operation, downcast lighting controls and the gaming and liquor license requests. President Brolley acknowledged the concerns of the Lindens residents regarding this planned development and noted this site was zoned for commercial use. He further commented that no hotel was being proposed at this time and a traffic study had been done per KDOT's requirements and found to be acceptable.

Trustee Marecek **moved to approve Ordinance 1836 Rezoning and Granting a Special Use/Planned Unit Development (Ricky Rockets Mixed Use Development – Jericho & Orchard LLC) (Second Reading).** Trustee Jungermann seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee and Trustee Jungermann voting yea.

H. Intergovernmental Agreement with Kane County for the Purpose of Providing an Electric Vehicle Charging Station.

Director Young requested approval to develop a Dual Port Electric Vehicle Charging Station near the Village Hall on River Street. He noted the cost-sharing details of the Intergovernmental Agreement with Kane County regarding the charging station equipment, maintenance warranty, electrical connection and sidewalk improvements. Director Young shared the cost for the project would be included in the Capital Improvement Budget for next year and this improvement would meet one of the goals of the Greenest Region Compact's Initiatives.

Board discussion was had regarding if a per kilowatt hour fee would be charged to use the system and if the improvement was a budgeting priority for the Village. President Brolley noted this Intergovernmental Agreement would provide an electric charging station in Kendall County and support future use of electric cars in the area.

Trustee Sperling **moved to approve the Intergovernmental Agreement with Kane County for the Purpose of Providing an Electric Vehicle Charging Station.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Jungermann and Trustee Marecek voting yea.

I. Professional Services Agreement with Engineering Enterprises, Inc. for Design and Construction Engineering for the 2019 Gap Implementation Project in the Amount of \$39,344.00.

Acting Director Wolf requested approval of the Professional Services Agreement with Engineering Enterprises, Inc. for the 2019 Gap Implementation Project. He noted this agreement was for design and construction engineering for combined Years 2 and 3 of the gap implementation plan. Trustee Jungermann asked and Engineer Wallers clarified that the previous Year 1 improvements would be implemented at a later date after the required easements were secured.

Trustee Marecek **moved to approve the Professional Services Agreement with Engineering Enterprises, Inc. for Design and Construction Engineering for the 2019 Gap Implementation Project in the amount of \$39,344.00.** Trustee Sperling seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee and Trustee Jungermann voting yea.

President Brolley called for a short recess at 9:06 p.m. and then called the meeting back to order at 9:19 p.m.

J. Recommendation of the Plan Commission on PC 2019-002 Z Text Amendment to Section 11 of the Zoning Ordinance Regarding Gas and Petroleum Manufacturing - Bio Carbon Solutions Global.

Director Young introduced the request for a Text Amendment for Bio Carbon Solutions Global to allow for Gas and Petroleum Manufacturing. He noted this proposal included recycling tires into petroleum products at the proposed location and shared this classification was currently listed as a prohibited use in the Village. Director Young shared the Plan Commission voted four to three to approve this request at their last meeting on January 3, 2019.

Tim Newberry, CEO of Bio Carbon Solutions Global, explained their proposed tire recycling into petroleum products process and noted no refining would be done onsite and no outdoor tire storage would occur. He explained how the recycling plant would break down chipped tires using a thermal distillation conversion process to produce carbon black, liquid fuel and syngas byproducts. He further noted how these end products would be stored on site and what controls would be in place to protect against environmental exposures. Mr. Newberry requested approval of a Text Amendment to the Zoning Ordinance or for a Special Use to be granted to allow their operations.

Dick Gust, President of Liberty Tire Recycling, LLC, discussed how this proposed business would help to recycle scrap tires locally and asked the Board to support this text amendment request. The inventor of the thermal distillation process further explained the pyrolysis process and shared how the tires would be converted into carbon powder and liquid fuel under a vacuum seal and airlock. He also shared the gas produced from the distillation process would be reused to heat the ovens in their system.

Board discussion was had and many concerns were raised regarding the proper classification for this proposed risk, needed facility safety and security for this manufacturing process and whether adequate storage, dust, diking, fire and environmental protection requirements would be present. The Board questioned how to limit acceptance of this specific use within the zoning district and summarized a need to do further research on the proposed thermal distillation process to determine whether it would be a safe use within the Village's zoning district.

Bruce Goldsmith, Attorney for Aurora University, shared his concerns with allowing this text amendment to permit an intensive use in the zoning district near their new sports facility. He noted possible issues with an untested facility and

process, with ensuring safe performance standards and with protecting against environmental exposures. Attorney Goldsmith summarized this would not be an appropriate use for the site and asked that the text amendment request not be granted by the Board.

President Brolley summarized the Board's overriding concerns with determining if applicant's text amendment request represented a safe and effective use in Montgomery. He noted further research and discussion were needed to come to a decision on this request and clarified that a vote on this item would be to accept or reject the recommendation made by the Plan Commission.

Trustee Jungermann **moved to approve the Recommendation of the Plan Commission on PC 2019-002 Z Text Amendment to Section 11 of the Zoning Ordinance Regarding Gas and Petroleum Manufacturing - Bio Carbon Solutions Global.** Trustee Sperling seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

K. Authorization by the Village Board to Draft Text Amendment to Section 11 of the Zoning Ordinance Regarding Gas & Petroleum Manufacturing.

President Brolley inquired whether the Board wanted to take action to Draft a Text Amendment to the Zoning Ordinance Regarding Gas and Petroleum Manufacturing. Board discussion was had indicating more research was needed to better understand the proposed tire recycling process and determine if more narrow classification would apply to this risk. Attorney Julien shared the next possible steps to better define and classify the use and determine whether or not a text amendment to the zoning ordinance was appropriate.

President Brolley asked staff to gather additional information and consult outside counsel on the impact this proposed use would have on the zoning district. He noted no action would be taken on this item at this time and the vote would be tabled for a future meeting. Administrator Zoepfel summarized that staff would do additional research and communicate their findings to the Board at a future meeting.

L. Extension of Landscape Maintenance Contract with Cornerstone Partners.

Acting Director Wolf requested approval of the contract extension with Cornerstone Partners for Landscape Maintenance for 2019. He noted this item would apply to servicing the common areas and special service areas and included no increase in pricing. Trustee Jungermann inquired and Director Wolf stated Cornerstone Partners had met their expected obligations and deadlines in the past and had provided acceptable service to the Village.

Trustee Jungermann **moved to approve the Extension of Landscape Maintenance Contract with Cornerstone Partners.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

M. Bulk Fuel Purchase Contract with Feece Oil Company.

Acting Director Wolf requested approval of the Bulk Fuel Purchase Contract with Feece Oil Company. He noted they were the current fuel provider for the Village and had provided exceptional service including tank monitoring systems. Trustee Lee asked and Director Wolf noted Feece Oil Company had provided better pricing for the bulk fuel purchase contract.

Trustee Jungermann **moved to approve the Bulk Fuel Purchase Contract with Feece Oil Company.** Trustee Marecek seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

N. Ordinance 1835 Amending Section 18 ½ of the Village Code (Tree Ordinance) (Second Reading).

Acting Director Wolf summarized Ordinance 1835 and highlighted the amended sections to the Tree Ordinance. He noted the changes complied with the Tree City USA certification guidelines and Morton Arboretum grant requirements for

parkway tree care, assessment, clearance, protection and removal guidelines. Trustee Lee inquired and Director Wolf noted Kramer Tree Specialists, Inc. was contracted to handle the large scale tree trimming and pruning for the Village.

Trustee Jungermann **moved to approve Ordinance 1835 Amending Section 18 ½ of the Village Code (Tree Ordinance) (Second Reading)**. Trustee Sperling seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Sperling and Trustee Lee voting yea.

O. TIF #2 Rebate.

Administrator Zoepfel summarized the TIF #2 Rebate process and discussed what changes would be expected going forward to streamline communications and notices regarding this item. Board discussion was had regarding when the Joint Review Board meeting was scheduled in December, what the status of the Montgomery Outflow Water Project Study was and if Fire Chief Meyers was satisfied with the outcome of the TIF #2 Rebate report. President Brolley made a motion to waive the fourteen day waiting period for the TIF #2 Rebate processing subject to review and acceptance by Trustee Bond.

Trustee Marecek **moved to approve the TIF #2 Rebate**. Trustee Sperling seconded this motion.

4 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Sperling, Trustee Lee and Trustee Jungermann voting yea.

Trustee Sperling left the meeting at 11:28 p.m.

Items for Discussion

A. Website Redesign.

Administrator Zoepfel summarized the changes to the Village Website Redesign and noted the updates and data transfer would begin being implemented after February 1, 2019.

B. Jericho & Orchard - Incentive Request.

Director Young summarized the Incentive Request made by the Jericho & Orchard Partners for the Ricky Rockets project's capital improvement costs. He and Engineer Wallers noted some funds could potentially be rebated to the developer from a prior agreement for detention facility improvements. Attorney Julien noted the existing agreement would need to be reworked to include the current property developer and come back to the Board for approval.

President Brolley inquired and Engineer Wallers clarified the intent of the prior agreement was to be an economic incentive to maximize development of the property on the west side of Orchard Road. Mike MacKinnon, Developer for Ricky Rockets, asked for rebates on their capital investment development costs. President Brolley clarified that TIF Funds would not be used for this development and noted Board consensus not to grant this incentive request.

C. Traffic Analysis Update.

President Brolley noted the Traffic Analysis Update would be tabled and discussed at a future meeting.

New or Unfinished Business

President Brolley shared that a firearm was discharged at an Orchard Road restaurant on Sunday, January 6, 2019. He noted a voluntary, temporary liquor license suspension was in place and a staff meeting was set to discuss and resolve the issue on Tuesday, January 15, 2019. Board discussion was had about what could be done to address safety concerns at this location, help the business owner come back into compliance and ensure safe dining in the community.

Attorney Julien outlined how compliance could be achieved and what consequences existed regarding this temporary liquor license suspension. Trustee Jungermann showed concern with the number of recorded incidents at this location. He inquired and Attorney Julien clarified the parameters under which the State Liquor Commission could suspend or revoke a liquor license. President Brolley acknowledged the seriousness of the safety concerns, noted staff would take action to address the issue and would update the Board on the status of this item at a future meeting.

Future Meetings

A. Committee of the Whole – Tuesday, January 22, 2019 at 7:00 p.m. (Canceled).

B. Village Board Meeting—Monday, January 28, 2019 at 7:00 p.m.

Executive Session: None

Adjournment: 11:52 p.m.

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

3 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek and Trustee Lee voting yea.

Respectfully submitted,

Penny Fitzpatrick
Village Clerk