

President Brolley called the meeting to order at 7:05 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea

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

Public Participation

A. Swearing In of Newly Elected Officials.

Kane County Judge Sandra Parga administered the official oath of office to recently elected officials, Trustee Doug Marecek and Trustee Dan Gier. President Brolley amended the Agenda order slightly to next handle **Items for Separate Action: A. Appointment of Thomas K. Betsinger, 3153 Buchanan Lane, to the Village Board to Fill a Vacancy through May 1, 2021.**

Trustee Sperling **moved to approve the Appointment of Thomas K. Betsinger, 3153 Buchanan Lane, to the Village Board to Fill a Vacancy through May 1, 2021.** Trustee Marecek seconded this motion.

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

Judge Sandra Parga administered the official oath of office to the recently appointed official, Trustee Thomas K. Betsinger. President Brolley called for a short break to adjourn the meeting for coffee and cookies to congratulate and welcome the new and re-elected Board Members at 7:09 p.m. He called the meeting back to order at 7:23 p.m.

B. Public Comments.

Resident Carole Esposito summarized her concerns with a Solicitor's Permit issued to the Constellation Energy Company. She described questionable business practices exhibited by one of their employees, requested that their solicitor's permit be revoked and asked that simpler procedures be provided to residents to provide recourse for a manipulative or deceptive solicitor. President Brolley shared this topic would be discussed later in the Agenda under Items for Discussion and noted no additional Public Comments were shared.

C. Proclamation for Police Week May 12-18, 2019 and Peace Officer's Memorial Day May 15, 2019.

President Brolley shared the Proclamation for Police Week on May 12-18, 2019 and Peace Officer's Memorial Day on May 15, 2019 in the Village of Montgomery and called for a motion on this item.

Trustee Sperling **moved to approve the Proclamation for Police Week May 12-18, 2019 and Peace Officer's Memorial Day May 15, 2019.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Betsinger, Trustee Jungermann, Trustee Marecek and Trustee Gier voting yea.

D. Proclamation for Public Works Week May 19-25, 2019.

President Brolley shared Proclamation for Public Works Week on May 19-25, 2019 in the Village of Montgomery and called for a motion on this item.

Trustee Sperling **moved to approve the Proclamation for Public Works Week May 19-25, 2019.** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Sperling, Trustee Lee, Trustee Betsinger, Trustee Jungermann, Trustee Marecek and Trustee Gier voting yea.

Consent Agenda

A. Minutes of the Village Board Meeting of April 22, 2019.

B. Executive Session Minutes of April 22, 2019.

C. Building Report for April 2019.

D. Water Production Report for April 2019.

E. Accounts Payable through May 9, 2019 for FY19 in the Amount of \$582,215.29.

F. Accounts Payable through May 9, 2019 for FY20 in the Amount of \$1,065,900.87.

G. Appointment by the Village President of Marion Bond, 3003 Foxmoor Drive, to the Plan Commission to Fill a Vacancy through January 31, 2020.

H. Appointment by the Village President of Marion Bond, 3003 Foxmoor Drive, to the Zoning Board of Appeals to Fill a Vacancy through January 31, 2020.

I. Waiver of Temporary Liquor License Fee for Beers, Bands and Barns.

J. Ordinance 1854 Amending Chapter 1 of the Village Code to Establish Section 1-11 (Adopting a System of Local Adjudication for Building Code and Nuisance Violations) (Second Reading).

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

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee and Trustee Betsinger voting yea.

Items for Separate Action

A. Appointment of Thomas K. Betsinger, 3153 Buchanan Lane, to the Village Board to Fill a Vacancy through May 1, 2021.

This item was previously handled under Item A. of the Public Participation portion of the Agenda, Swearing In of Newly Elected Officials.

B. Recommendation of the Plan Commission on PC 2019-008 Special Use Request for Two (2) Outdoor Cafés Located Adjacent to La Chiquita Food Market.

Director Young summarized this recommendation for two outdoor cafes adjacent to La Chiquita Food Market. He noted this proposed ten-unit retail development met all zoning setback requirements and staff and the Plan Commission recommended approval of this Special Use Request. Trustee Sperling inquired and Director Young clarified where the proposed development would be located in relation to Douglas Road and the existing food market building.

Trustee Marecek **moved to approve the Recommendation of the Plan Commission on PC 2019-008 Special Use Request for Two (2) Outdoor Cafés Located Adjacent to La Chiquita Food Market.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

C. Ordinance 1856 Granting a Special Use for Two (2) Outdoor Cafes (Commercial Multi-Tenant Building – Douglas Road) (First Reading).

President Brolley summarized this was First Reading of Ordinance 1856. He asked for feedback and noted there was Board consensus to add this Special Use Request for Two Outdoor Cafes to the Consent Agenda at a future meeting.

D. Recommendation of the Zoning Board of Appeals on ZBA 2019-009 V Sign Variance to the Zoning Ordinance Located at 298 Montgomery Road – Shell Gas Station/Marshall R. Sign Corp.

Director Young summarized this Zoning Board of Appeals case which requested placement of a twenty-foot-high pole sign at the Shell Gas Station on Douglas and Montgomery Roads. He shared the Plan Commission, Staff and the Zoning Board of Appeals recommended denial of this Sign Variance request. Trustees Lee and Jungermann inquired and Director Young noted what the maximum allowable sign height was per the Village Code. After discussion, President Brolley noted there was consensus to deny this request and summarized that an ordinance would not be drafted for this item.

Trustee Marecek moved to Accept the Recommendation of the Zoning Board of Appeals on ZBA 2019-009 for Denial of the V Sign Variance to the Zoning Ordinance Located at 298 Montgomery Road – Shell Gas Station/Marshall R. Sign Corp. Trustee Betsinger seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

E. Recommendation of the Plan Commission on PC 2019-010 Z Text Amendment to Section 4.15 of the Zoning Ordinance Regarding Farm Stand Temporary Uses.

Director Young summarized this Plan Commission Recommendation regarding a Farm Stand Temporary Use. He noted where this farm stand would be located and how long the text amendment would allow for this temporary use. Board discussion was had and Director Young clarified how this item differed from a mobile food truck vendor request and the existing Anderson Farm Stand use, whether this was an individual or farmers market use and whether the affected property owner had agreed to this request. He noted the Plan Commission and Staff recommended approval of this item.

Trustee Marecek moved to approve the Recommendation of the Plan Commission on PC 2019-010 Z Text Amendment to Section 4.15 of the Zoning Ordinance Regarding Farm Stand Temporary Uses. Trustee Gier seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

F. Ordinance 1857 Amending Section 4.15 of the Village of the Montgomery Zoning Ordinance (Temporary Uses (Excluding Mobile and Stationary Vending); Specific Requirements; Agricultural Produce Stands) (First Reading).

President Brolley summarized this was First Reading of Ordinance 1857. He asked for feedback and noted there was Board consensus to add this item to the Consent Agenda for a Temporary Use Produce Stand at a future meeting.

G. Pizzo and Associates Basin Stewardship Contract Extension.

Acting Director Wolf summarized this item regarding the maintenance of the naturalized basins in the Village. He recommended approval with a one-year contract extension and suggested this item be rebid again in Fiscal Year 2021. Trustees Sperling and Betsinger inquired and Acting Director Wolf noted a favorable, long standing relationship with Pizzo and Associates and flexibility in determining how often the prescribed basin burns would need to be completed.

Trustee Jungermann moved to approve the Pizzo and Associates Basin Stewardship Contract Extension. Trustee Betsinger seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee and Trustee Betsinger voting yea.

H. Village Parkway Tree Survey.

Acting Director Wolf summarized this item which would survey, update and track the current Village Parkway Tree data. He shared a grant from the Morton Arboretum would be received for this project, the bid from Graf Tree Service came in

under budget and staff recommended approval of this item. Trustee Sperling inquired and Acting Director Wolf noted \$40,000 was budgeted for this Parkway Tree Survey Project.

Trustee Marecek **moved to approve the Village Parkway Tree Survey.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

I. Ordinance 1858 Amending Chapter 18 ¼ of the Village Code of Ordinances (Tobacco Products) (First Reading).

Attorney Julien summarized this Amendment to the Village Code Regarding Tobacco Products would take effect on July 1, 2019, amend the legal age to purchase tobacco to 21 years of age and expand the definition of tobacco products to include electronic cigarettes and vaping supplies. Board discussion was had and Attorney Julien outlined the timeframe for local businesses to receive notice of this change to state law, update their tobacco product signage and ensure their employees were at least 21 years of age to be able to sell tobacco products. President Brolley noted this was First Reading of Ordinance 1858 and there was Board consensus to add this item to the Consent Agenda at a future meeting.

J. Ordinance 1855 Authorizing Loan Agreement – Non-Home Rule Entity Public Water Supply Loan Program (Waiver of First and Passage on Second Reading).

Director VanVooren summarized Ordinance 1855 Authorizing a Loan Agreement with the IEPA. President Brolley inquired and Director VanVooren summarized this Public Water Supply Loan Program addressed the replacement of over one hundred residential lead service lines in the Village. Engineer Wallers clarified this project was delayed until the forgivable loan program became available for use after July 1, 2019.

Board discussion was had and Engineer Wallers addressed the estimated timeframe for completion and forgivable loan guidelines for the program. He further noted the estimated repair cost per home, replacement of water meters with the project, incentives and inconvenience fees offered to encourage program participation and implications if residents chose not to participate in the program. Trustee Marecek and President Brolley complemented staff on involvement in this forward thinking funding program which would remove the lead service lines throughout Montgomery.

Trustee Marecek **moved to approve Ordinance 1855 Authorizing Loan Agreement – Non-Home Rule Entity Public Water Supply Loan Program (Waiver of First and Passage on Second Reading).** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

K. Resolution 2019-006 Authorizing a Representative to Sign Loan Documents for the Public Water Supply Loan Program (Lead Service Line Replacement Project).

Director VanVooren summarized Resolution 2019-006 and noted it authorized both the Village Administrator and Director of Finance to sign any necessary Loan Documents for the Public Water Supply Loan Program.

Trustee Marecek **moved to approve the Resolution 2019-006 Authorizing a Representative to Sign Loan Documents for the Public Water Supply Loan Program (Lead Service Line Replacement Project).** Trustee Betsinger seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger and Trustee Jungermann voting yea.

L. Award of a Contract to Corrective Asphalt Materials for Asphalt Rejuvenation in the Amount of \$71,724.20.

Engineer Wallers summarized the Award of a Contract to Corrective Asphalt Materials for Asphalt Rejuvenation. He noted the bid came in under budget and shared staff recommended approval of this item. Trustee Sperling inquired and Engineer Wallers explained this coating would be applied a year after the roads were paved to extend their pavement life.

Trustee Gier **moved to approve the Award of a Contract to Corrective Asphalt Materials for Asphalt Rejuvenation in the Amount of \$71,724.20.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Gier, Trustee Sperling, Trustee Lee, Trustee Betsinger, Trustee Jungermann and Trustee Marecek voting yea.

Items for Discussion

A. Solicitor Discussion.

Attorney Julien summarized possible changes to the Solicitor Permit Ordinance which could include a more detailed and individualized background check and permitting process and a clearer resident complaint and permit revocation process for solicitors in violation of ordinance regulations. She noted red line updates to the ordinance would come back for discussion at a future meeting. Board discussion was had noting residents' frustrations with solicitor sales calls made after dark, without a proper permit displayed and with deceptive or aggressive business practices used.

Board questions were raised inquiring when a permit could be revoked, when solicitors were considered to be trespassing, what the cost and timeline for background checks was and if the permit fee and fine structure could be increased. Trustee Sperling urged residents to contact the Police Department and Village with solicitor complaints to assist with ordinance enforcement and Trustee Betsinger noted residents could post No Solicitor Signs on their property to deter unwanted sales calls. Attorney Julien summarized that solicitor violations and permit revocations could be handled on an individual versus company wide basis, unless multiple complaints against a vendor were documented. President Brolley thanked the Board for their discussion, noting this item would be addressed again at a future meeting.

New or Unfinished Business

Trustee Marecek thanked Trustee Jungermann, Engineer Wallers and staff for their work improving the Brian Lane drainage issues that prevented further residential flooding in the area. Trustee Marecek asked and Engineer Wallers provided an update on the Concord and Orchard Road Traffic Signal Project and noted a modified installation schedule would be provided at a future meeting. Trustee Marecek announced the upcoming Sunday in the Park Community Event taking place on Sunday, June 23, 2019 from 4:00 to 7:30 p.m. at Lakewood Creek Park. He shared free ice cream would be provided by Engineering Enterprises, Inc., various food trucks would have food for sale and Cap'n Funk and the Groove Train would be performing from 5:00 - 7:30 p.m.

Trustee Lee inquired about the price and possibility of using Pedestrian Crossing Signs that stand in the roadway, noting the City of Aurora was using these signs near their schools. Trustee Marecek shared that Lakewood Creek School had used this type sign in the roadway but they had gotten damaged and run over with continual use. Trustee Lee thanked Trustee Marecek's daughter, Sami, for baking treats and providing cookies for the meeting.

Future Meetings

- A. Beautification Committee – Saturday, May 18, 2019 at 6:00 p.m. (Community Planting Day).**
- B. Historic Preservation Commission – Monday, May 20, 2019 at 6:30 p.m.**
- C. Committee of the Whole – Tuesday, May 21, 2019 at 7:00 p.m. (Visioning Workshop Canceled).**
- D. Intergovernmental Committee – Tuesday, May 28, 2019 at 6:00 p.m.**
- E. Village Board Meeting – Tuesday, May 28, 2019 at 7:00 p.m.**

Adjourn to Executive Session: 8:36 p.m.

Village Board Meeting

May 13, 2019

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A. To Discuss Litigation, Where the Village of Montgomery Finds That Such Action is Probable or Imminent Pursuant to 5 ILCS 120/2(c)(11).

Trustee Jungermann **moved to Adjourn to Executive Session To Discuss Litigation, Where the Village of Montgomery Finds That Such Action is Probable or Imminent Pursuant to 5 ILCS 120/2(c)(11).** Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Gier, Trustee Sperling, Trustee Lee and Trustee Betsinger voting yea.

With no further business to come before the Board, the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Penny Fitzpatrick
Village Clerk