

President Brolley called the meeting to order at 7:01 p.m. followed by the Pledge of Allegiance.

**Roll Call**

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

Also present: Administrator Jeff Zoephel, Attorney Laura Julien, Chief of Police Daniel Meyers, Deputy Chief of Police Armando Sanders, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Engineer Peter Wallers, Village Clerk Penny FitzPatrick, Members of the Press and others.

**Public Participation**

**A. Public Comments.**

Aimee Brito of Blackberry Crossing West shared her concern with apartments possibly being included in the revised site plan for the Gas N Wash proposed at Gordon Road and Route 30. President Brolley advised that no plans for apartments were included in the board proposal and further discussion would be had on this item later in the agenda.

Brian Maillet of Microgrid Energy thanked the board for the opportunity to present his proposal for a community solar system on an undeveloped site in Montgomery. He shared the Future Energy Jobs Act was recently approved by the Illinois Commerce Commission in the State of Illinois which allowed for new solar energy programs.

**B. Presentation on FBI National Academy.**

Deputy Chief Sanders summarized his experience at the FBI National Academy in Quantico, Virginia and shared a presentation highlighting the specialized police training and networking he experienced during his 10-week training course. President Brolley thanked him for participating in this advanced training to better serve residents of Montgomery.

**Consent Agenda**

- A. Minutes of the Village Board Meeting of March 26, 2018.**
- B. Building Report for March 2018.**
- C. Accounts Payable through April 5, 2018 in the Amount of \$458,412.45.**
- D. Cancellation of the April 17, 2018 Committee of the Whole Meeting.**
- E. Appointment by the Village President of Jason Bragg, 2328 Stacy Court, to the Board of Police and Fire Commissioners for a Term through April 30, 2021.**
- F. Request from VFW to Conduct their Annual Buddy Poppy Days on Friday, May 18 and Saturday, May 19, 2018.**

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

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

**Items for Separate Action**

- A. Recommendation of the Plan Commission on PC 2018-004 Special Use Request for a Planned Unit Development for an Apartment Complex Located in the Ogden Hill Subdivision – S.R. Jacobson and Edward Rose & Sons.**

President Brolley noted Items for Separate Action A. and B. would be discussed together. Director Young advised that staff and the Plan Commission recommended approval of this item. He shared the 468 unit, 13 building apartment complex would be developed over the next three years with construction beginning later this spring and noted that the final landscaping and engineering plans would be subject to staff approval.

Trustee Jungermann inquired if the applicant would be adding the crime free housing addendum to their rental contracts. Attorney Julien said the developer agreed to hand out the agreement addendum to their residents and Chief Meyers agreed that using the rental contract with the agreement addendum was acceptable.

Trustee Sperling **moved to approve the Recommendation of the Plan Commission on PC 2018-004 Special Use Request for a Planned Unit Development for an Apartment Complex Located in the Ogden Hill Subdivision – S.R. Jacobson and Edward Rose & Sons.** Trustee Jungermann seconded this motion.

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

**B. Ordinance 1807 Approving the Final Plan of a Special Use for a Planned Unit Development for an Apartment Complex Located in the Ogden Hill Subdivision – S.R. Jacobson and Edward Rose & Sons (First Reading).**

President Brolley noted this was the first reading of Ordinance 1807 and this item would be added to Consent and voted on at a future meeting.

**C. Recommendation of the Plan Commission on PC 2018-005 Z Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Avi Zamir on behalf of Victorian Apartments.**

Director Young advised that staff and the Plan Commission did not recommend supporting this request by Victorian Apartments to increase their maximum allowable density from 16 to 23 units per square acre for their 9 acre, 157-unit multifamily development. He further advised staff was in the process of evaluating their density calculations and remodeling the zoning ordinance into a unified development code.

Avi Zamir, Developer and Civil Engineer for Victorian Apartments, presented the applicant's amendment for zoning density request and proposed two options to expand this apartment complex. He noted the numerous code improvements and increased safety standards the new ownership had made in the last nine months and cooperation and collaboration the owner had shown to try to establish a positive, long-term relationship with the Village.

Board members noted that better screening of renters, site improvement and a reduction in the severity of police calls from the complex had been achieved in the last year. Chief Meyers shared the new ownership was enforcing the three strike rule and evicting residents who violated the standard. President Brolley said staff will be revisiting the density zoning ordinance and development code over the next year. He clarified a motion to accept the Plan Commission's recommendation would be to deny the petitioner's text amendment request for rezoning in regard to density.

Trustee Jungermann **moved to approve the Recommendation of the Plan Commission on PC 2018-005 Z Text Amendment to Section 8.08 of the Zoning Ordinance Regarding Density – Avi Zamir on behalf of Victorian Apartments.**

Trustee Marecek seconded this motion.

5 Yea. 1 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling and Trustee Lee voting yea. Trustee Heinz voting no.

**D. Recommendation of the Plan Commission on PC 2018-006 Request to Rezone 1460 SE River Road from R-3 Traditional Neighborhood Residence District to B-2 General Retail Business District – The Fitzpatrick Group.**

Director Young noted staff and the Plan Commission recommended rezoning of the property at 1460 SE River Road from residential to general retail use. The site was previously occupied by the Fox Valley Park District Police Department as an institutional use. Bart Grometer of The Fitzpatrick Development Group asked that the property be rezoned so it could be rehabilitated and marketed for future use.

The Board raised concerns regarding how the redevelopment would impact the nearby residential properties and how they would be buffered and protected from potential drainage, lighting, parking and high impact retail use requests. Administrator Zoephel and Director Young noted that no special use was requested by the applicant at this time and the board would be able to evaluate what acceptable uses would be appropriate for the location at a future meeting.

Trustee Marecek **moved to approve the Recommendation of the Plan Commission on PC 2018-006 Request to Rezone 1460 SE River Road from R-3 Traditional Neighborhood Residence District to B-2 General Retail Business District – The Fitzpatrick Group.** Trustee Jungermann seconded this motion.

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

**E. Ordinance 1808 Granting a Rezoning of 1460 SE River Road From R-3 Traditional Neighborhood Residence District to B-2 General Retail Business District (First Reading).**

President Brolley noted this was the first reading of Ordinance 1808 and this item would be added to Consent and voted on at a future meeting.

**F. Recommendation of the Plan Commission on PC 2018-007 Annexation of 1625 and 1696 Jericho Road – Aurora University.**

President Brolley noted Items for Separate Action F., G., H. and I. would be discussed at the same time and voted on separately. Staff and the Plan Commission recommended approval of annexation and zoning of three lots into the Village on Jericho Road and incorporation into the Planned Unit Development for Aurora University's 45-acre athletic complex.

Bruce Goldsmith, attorney for Aurora University, discussed the updates made during Phase 1 of the project and shared photos of the completed athletic fields and entrance. This annexation request is to add three small lots on Jericho Road to the overall PUD and the two homes on these properties would be demolished within the next six months.

The Board discussed flooding and drainage issues that occurred in the nearby area after substantial rainfall in October 2017. Mr. Goldsmith noted their detention pond did its job and did not reach capacity with the rainfall. Also discussed were possible issues with the nearby Burlington Northern Santa Fe culverts and six beaver dams that could have negatively affected proper drainage flow from the area. It was noted that the appropriate adjacent property owner had been notified by the county to clear the drainage area culverts of obstructions to prevent future flooding.

Trustee Marecek **moved to approve the Recommendation of the Plan Commission on PC 2018-007 Annexation of 1625 and 1696 Jericho Road – Aurora University.** Trustee Bond seconded this motion.

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

**G. Ordinance 1809 Annexing Territory for Aurora University (1625 and 1696 Jericho Road) (First Reading).**

President Brolley noted this was the first reading of Ordinance 1809 and this item would be added to Consent and voted on at a future meeting.

**H. Recommendation of the Plan Commission on PC 2018-008 Amendment to a Special Use Request for a Planned Unit Development Located at 1625, 1696, 1700, 1726 and 1750 Jericho Road – Aurora University.**

There was no further board discussion in regard to this item.

Trustee Marecek **moved to approve the Recommendation of the Plan Commission on PC 2018-008 Amendment to a Special Use Request for a Planned Unit Development Located at 1625, 1696, 1700, 1726 and 1750 Jericho Road – Aurora University.** Trustee Jungermann seconded this motion.

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

**I. Ordinance 1810 Amending a Planned Unit Development in the Village of Montgomery (Aurora University Athletic Campus) (First Reading).**

President Brolley noted this was the first reading of Ordinance 1810 and this item would be added to Consent and voted on at a future meeting.

**J. Ordinance 1811 Establishing a Comprehensive Fee and Deposit Schedule for Building and Development (First Reading).**

Director Young summarized this was the first reading of Ordinance 1811 which would establish a comprehensive schedule of the different types of development, planning, zoning and review fees that are commonly handled within the Community Development Department. He noted the new fee and deposit schedule was similar to that of neighboring communities and requested board approval when this item comes back at a future meeting. The changes would be effective with the new fiscal year beginning on May 1<sup>st</sup>, 2018, if approved.

There was board discussion and questions raised regarding how the fees were calculated, if permits triggered reevaluation for tax reassessment and if the proposed fees covered the Village's costs to issue permits and complete inspections. President Brolley shared he was pleased to have a comprehensive fee schedule for building and development all in one place for residents to review and noted this item would be brought back for action at a future meeting.

**K. Letter of Intent with Microgrid Energy for a Community Solar System.**

Administrator Zoepfel noted this item was discussed previously at the March 26, 2018 board meeting. Brian Maillet of Microgrid Energy summarized the projected solar program and potential per kilowatt hour energy savings that the Village, residents and businesses in Montgomery could take advantage of as subscription participants if the community solar system was developed. He reiterated that \$43,000 in TIF Funds would need to be invested to clear the land where this project would be developed and clarified that no subscription costs or fees would be charged for the program. He asked for a board commitment to use TIF Funds for development of this new solar energy program.

Board discussion and concerns were raised in regard to what quantifiable savings the solar energy program would yield for its subscribers, if residents would actually sign up for the program once provided and if a more appropriate site could be chosen without the need to use TIF Funds. After discussion and a straw poll, the board showed support for solar energy initiatives but were not in support of granting Migrogrid Energy's request for a letter of intent at the proposed site for this project. **Trustee Heinz left the board meeting at 8:48 p.m. and was not present to provide input on this item.**

**L. Ordinance 1812 Amending the Village Code Regarding Alcoholic Beverages Closing Hours (First Reading).**

Attorney Julien stated this item reflected the changes previously discussed by the board. Chief Meyers summarized the two proposed changes amended the Village code closing hours for packaged liquor carry out sales to 1 a.m. on Friday and Saturday nights and amended the opening hours to 9 a.m. for liquor licenses in the Village on all Sundays. It was agreed that this item would be added to Consent and voted on at a future meeting.

<b>Items for Discussion</b>
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**A. Gas N Wash Revised Site Plan (Tabled from the Village Board Meeting of March 26, 2018).**

Director Young shared that a revised site plan had been provided which changed the overall project layout and provided more buffering to nearby residents. President Brolley reiterated that no apartments were being considered as part of the revised site plan for this project.

Representatives for Gas N Wash, Lyman Tieman – Attorney and Scott Pritchett – Architect/Land Planner, addressed the board and presented their revised site plan proposal. The new site plan takes into account residents' concerns and provided a two-acre lot buffering the neighboring properties, offered landscaping and a berm. It also provides for an 8-

foot stone like fence along the property line and removes vehicular access to Adam Avenue. Ron Schelling, the land owner, indicated a willingness to add parkway trees along Adam Avenue and shared that no commercial/retail uses were determined yet for the 2-acre open lot.

After a straw poll, the board was unable to reach a consensus of support for this revised proposal. Trustees Marecek and Lee were in favor and Trustees Jungermann, Bond and Sperling still had significant concerns with the revised site plan and impact on residents at this location. The board thanked the applicant for their willingness to work with the village to amend the site plan, address community concerns and provide such a quality combined use gas station proposal. President Brolley noted this item would come back before the board for further discussion and action at a future meeting.

**B. Mailbox Policy.**

Administrator Zoephel summarized previous board conversations regarding the Mailbox Policy. He shared that one option would be to reimburse residents up to \$75 no matter what the mailbox damage experienced was and the second option would reimburse the resident up to \$75, if a snow push from a plow breaks the post but not if the snow simply detaches the mailbox from its post. In both options, reimbursement would not be offered if the resident was informed previously by the Public Works Department that their mailbox was not installed properly per the post office standards or was seen to be damaged or deteriorated prior to the start of the snow season.

Board discussion was had regarding the manpower necessary to inspect 6,000 residential mailboxes every fall and inform residents in writing if their mailbox was deteriorated or not installed properly and, therefore, not eligible to be reimbursed if damaged during snow removal. Director Hoppenstedt clarified that Public Works employees inspect multiple zone routes every fall for varying hazards including damaged tree limbs, mailboxes and manhole covers prior to snow removal. President Brolley concluded there was unanimous board support for option two of the Mailbox Policy for \$75 reimbursement as discussed and this item would come back before the board for policy approval at a future meeting.

**C. Pond/Basin Use.**

Director Hoppenstedt summarized previous board discussions regarding Illinois Department of Natural Resource fishing regulations at local pond and basins. He reiterated that some residents had shown concern with overfishing of these basins by nonresidents who did not contribute to their funding, maintenance or care. Director Hoppenstedt noted two options to control fishing at these public basins with one being adding IDNR signage that would cost \$6,000 for installation and materials. The second option would be to adopt a cooperative management agreement between the Village of Montgomery and the Montgomery Police Department to allow officers to enforce IDNR fishing regulations, check for licenses and potentially fine offenders \$125 if they do not have a fishing license.

Director Hoppenstedt shared after consultation with IDNR biologist, Andy Plock, that a catch and release program would not be most beneficial for the local ponds and basins as they were inspected, found to be overpopulated and in need of being fished more within the IDNR regulations. Those regulations allow for five largemouth bass and unlimited blue gills to be caught at a time. Board discussion was had noting a contradiction between the residents' concerns about over fishing and the IDNR biologist's assessment that the ponds and basins were overpopulated. President Brolley noted there was consensus reached to further discuss these two options and take action on this item at a future meeting.

<b>New or Unfinished Business</b>
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Trustee Jungermann inquired about the Brian Lane approval status from Commonwealth Edison for drainage improvements. Engineer Wallers said Com Ed permit approval had not yet been obtained. He shared bids could be secured and brought back for approval of award at the May 14, 2018 meeting but requested flexibility to wait for Com Ed's feedback and approval to avoid addendums to the project. President Brolley offered to reach out to his Com Ed contact again to try to move the permit process and project along.

Trustee Lee inquired and Engineer Wallers noted that staff hosted a Road Program Open House on April 9, 2018 from 5:30 to 6:30 p.m. in the Village Board Room. He summarized the project would start when the weather and schedule allowed

and included street resurfacing, ADA compliant sidewalk ramp installation and sidewalk replacement. He shared the Road Program PowerPoint and display boards could be brought back to the board at a future meeting. These were shared at the recent "Mayor on the Move" event and could also be displayed in Village Hall for resident review.

President Brolley thanked Director Hoppenstedt for his work with the Village as Director of Public Works and wished him well in his future endeavors.

**Future Meetings**

- A. Special Village Board Meeting—Wednesday, April 11, 2018 at 5:30 p.m.
- B. Beautification Committee Meeting—Wednesday, April 11, 2018 at 6:00 p.m.
- C. Historic Preservation Commission—Monday, April 16, 2018 at 6:30 p.m.
- D. Committee of the Whole Meeting—Tuesday, April 17, 2018 at 7:00 p.m. (Canceled)
- E. Village Board Meeting—Monday, April 23, 2018 at 7:00 p.m.

**Executive Session: None**

**Adjournment: 10:16 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.**

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

Respectfully submitted,

Penny FitzPatrick  
Village Clerk