

President Brolley called the meeting to order at 7:08 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	Absent

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, Engineer Peter Wallers, Village Clerk Penny FitzPatrick, Members of the Press and others.

Public Participation

A. Public Comments.

Residents Chad Davis and Sara Klostermann discussed their continued concerns with chickens present at 2904 Shetland Lane in the Foxmoor Subdivision. They reiterated the code and zoning violations present and their concerns with the number of chickens, coop construction and placement, livestock fencing, sale of livestock and health and sanitation issues created by the presence of these chickens. They asked that the Board not allow an exception to the Village permitting, inspection and code enforcement regulations in regard to the petitioner's request for emotional support chickens.

Brittany Villotti, resident at 2904 Shetland Lane and petitioner requesting an accommodation, explained her husband's disabled veteran status and the doctor's referral note he received from the Veteran's Administration documenting his need for six emotional support chickens. She suggested their flock had not adversely impacted their surrounding neighbors or community and welcomed the Board to personally inspect their coop conditions and chickens for confirmation. She requested that the Board approve her husband's veteran accommodation for emotional support chickens.

Residents Lisa Casbarian and her daughter, Lili, spoke to the Board about revisiting the Village code to potentially allow for backyard hens. They shared their interest in the Kendall County 4H Poultry Spin Club Program, asked the Board to consider allowing backyard chickens and suggested they mandate permits and codes for hens and coops regarding setbacks, number of animal limits and dedicated space as other neighboring communities had already done.

Mary Wilson of Lakewood Creek West noted her continued concern with potential flooding affecting her home from the neighboring ComEd common area. She requested approval of the award of a contract to Conley Excavating for storm sewer improvements to correct the drainage issues present and protect the homes in her neighborhood from potential flood damage. President Brolley noted that this item would be discussed for Separate Action later in the meeting.

Consent Agenda

- A. Minutes of the Village Board Meeting of May 14, 2018.**
- B. Executive Session Minutes of May 14, 2018.**
- C. Accounts Payable for FY18 through May 24, 2018 in the Amount of \$192,367.36.**
- D. Accounts Payable for FY19 through May 24, 2018 in the Amount of \$83,557.69.**
- E. Appointment by the Village President of Hailey Brzoska, 3122 Fairfield Way, to the Historic Preservation Commission for a Term through May 31, 2021.**
- F. Waiver of Temporary Liquor License Fee for Montgomery Fest.**
- G. Waiver of Temporary Liquor License Fee for Beers, Bands and Barns.**

H. Ordinance 1799 Authorizing the Purchase of Real Property (1335 Amber Drive) (Second Reading).

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

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

Items for Separate Action

A. Award of a Contract to Conley Excavating for the Lakewood Creek West ComEd Storm Sewer Improvements in the Amount of \$140,649.50.

Engineer Wallers recommended approval of this contract to Conley Excavating for the Lakewood Creek West ComEd Storm Sewer Improvements. He shared the bid came in under budget and the Village had worked favorably with this contractor previously. He also requested authorization for President Brolley to sign the ComEd lease agreement to be able to start work in June once it was approved. He shared the work should be completed within 60 days after it was started and noted the ComEd lease agreement would be subject to attorney review.

Trustee Jungermann moved to approve the Award of a Contract to Conley Excavating for the Lakewood Creek West ComEd Storm Sewer Improvements in the Amount of \$140,649.50. Trustee Marecek seconded this motion.

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

B. Temporary Liquor License for Oswego Chamber of Commerce.

Administrator Zoepfel noted this Temporary Liquor License was for the Oswego Chamber of Commerce's 2nd annual event at Dickson Murst Farms. Angie Hibben, Executive Director for the Oswego Chamber, addressed the Board briefly and Trustees Sperling and Marecek thanked her for picking a great venue in Montgomery to host their annual event.

Trustee Marecek moved to approve the Temporary Liquor License for Oswego Chamber of Commerce. Trustee Sperling seconded this motion.

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

C. Ordinance 1813 Amending the Village Code Regarding Liquor Licenses and Outdoor Dining (Waiver of First and Passage on Second Reading).

President Brolley noted Ordinance 1813 was a Waiver of First and Passage on Second Reading. Administrator Zoepfel shared this ordinance allowed for outdoor dining and prerecorded music to be played for Class B Liquor Licenses.

Trustee Marecek moved to approve Ordinance 1813 Amending the Village Code Regarding Liquor Licenses and Outdoor Dining (Waiver of First and Passage on Second Reading). Trustee Jungermann seconded this motion.

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

D. Resolution 2018-010 Authorizing a Stationary Food Vendor License (Time to Drive Auto).

President Brolley noted Resolution 2018-010 was required to come before the Board for approval. Director Young shared this request was for a Stationary Food Vendor License for Time to Drive Auto on Montgomery Road and noted it met the regulations in place for stationary food vendors. Staff recommended approval of this resolution and Attorney Julien clarified this resolution included all three stationary food vendor licenses that were authorized in the Village this year.

President Brolley asked and Director Young shared this unit would be open for public use on Montgomery Road. Trustee Sperling shared her concern with additional food truck permits being provided and wanted to be sure that these types of permits did not oversaturate the area and take business away from local restaurants.

Trustee Marecek **moved to approve Resolution 2018-010 Authorizing a Stationary Food Vendor License (Time to Drive Auto)**. Trustee Jungermann seconded this motion.

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

Items for Discussion

A. Chickens in Residential Subdivisions.

Attorney Julien and Administrator Zoepfel discussed the two issues regarding Chickens in Residential Subdivisions as whether the Village wanted to change the regulations to lift the prohibition on chickens in Montgomery and secondly, how to deal with an emotional support animal request when it invokes zoning ordinances or Village code provisions. President Brolley clarified that the current zoning ordinance prohibiting chickens in the Village could be addressed at another time through the Plan Commission process and the discussion tonight would pertain to the accommodation request for emotional support chickens at 2904 Shetland Lane in the Foxmoor Subdivision.

Attorney Julien outlined that emotional support animals were subject to Fair Housing Act guidelines, explained that requests for emotional support animals had to be provided by a qualified medical provider with appropriate medical documentation and the Village could grant specific, reasonable accommodations on a case by case basis. Finally, she explained that after review, an accommodation could be granted but would still be subject to all applicable, reasonable and enforceable Village regulations, zoning ordinances and code requirements.

Board discussion and concerns were shared regarding the timing and manner in which the chickens in question were acquired without Board approval and in violation of Village code prior to submitting a request for an accommodation. Additional concerns were noted regarding the number of code violations present regarding noise, waste disposal, number of animals present, pen and coop construction, setbacks from the street and adjacent properties and a lack of agricultural zoning for livestock in the Foxmoor Subdivision.

***Trustee Heinz left the meeting at 8:17 p.m.**

President Brolley summarized that Staff would gather and consider all the facts and investigate the possibility of making an accommodation for this request based on the Fair Housing Act parameters. He noted this would be done without changing any existing ordinances regarding backyard chickens or negatively affecting the use and enjoyment of any neighboring properties in the Foxmoor Subdivision. He directed Staff to move forward with this administrative review process to verify the accommodation letter from the Veterans Administration and clarified that Board approval would not be required for this issue to be addressed.

Attorney Julien closed stating that all facts, testimony and documentation provided would be investigated and considered to determine if an accommodation would be granted in this case. Administrator Zoepfel restated that since chickens are currently prohibited in the Village and the number of chickens present at this location are in excess of what is reasonable that the flock could be reduced while Staff is investigating the case. President Brolley stated that Staff's findings would be shared with the Board once the issue was investigated and resolved.

New or Unfinished Business

Trustee Sperling noted that the Montgomery Rotary Club, Fox Valley Park District and Twin Oaks Landscaping Company with Trustee Jungermann collaborated to have fourteen new shade trees planted at the Lakewood Creek School Park.

Trustee Marecek shared that the Sunday in the Park Community Event will take place on Sunday, June 24th at the Lakewood Creek School Park. This family friendly event will have free ice cream from 4-5 pm, an Ozinga Touch-A-Truck Concrete Truck for kids, food trucks with food available for purchase and live music in the band shell offered from 5:00 - 7:30 p.m. for families to enjoy.

Future Meetings

- A. Village Board Meeting—Monday, June 11, 2018 at 7:00 p.m.
- B. Beautification Committee Meeting—Wednesday, June 13, 2008 at 6:00 p.m.
- C. Historic Preservation Commission—Monday, June 18, 2018 at 6:30 p.m.
- D. Committee of the Whole Meeting--Tuesday, June 19, 2018 at 7:00 p.m. (May Be Canceled.
- E. Intergovernmental Committee Meeting—Monday, June 25, 2018 at 6:00 p.m.
- F. Village Board Meeting—Monday, June 25, 2018 at 7:00 p.m.

Executive Session: 8:34 – 8:43 p.m.

- A. To Discuss the Acquisition of Real Property Pursuant to 5 ILCS 120/2(c)(5).

Trustee Jungermann **moved to go into Executive Session To Discuss the Acquisition of Real Property Pursuant to 5 ILCS 120/2(c)(5).** Trustee Sperling seconded this motion.

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

Adjournment: 8:45 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.**

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

Respectfully submitted,

Penny FitzPatrick
Village Clerk