

**Village of Sugar Grove  
Regular Board Meeting**

**January 9, 2007**

**6:00 P.M.**

President Michels opened the meeting at 6:00 p.m. and asked that Trustee Renk lead the Pledge. President Michels then asked that the roll be called

**Present:** President Michels, Trustee Wolf, Trustee Geary, Trustee Renk, and Trustee Heineman, Trustee Bohler and Trustee Johnson.

**Quorum Established**

**Also Present:**

Administrator Brent Eichelberger, Clerk Cynthia Welsch, Community Development Director Scott Buening, Attorney Steve Andersson, Finance Director Justin VanVooren and Chief of Police Brad Sauer.

**PUBLIC HEARINGS**

**Continued Annexation of Surrounded Properties – Bliss and Merrill**

President Michels opened the Public Hearing for Proposed Annexation of Properties on Bliss and Merrill. President Michels then stated that the hearing would be continued to January 9, 2006 at 6:00 p.m. however that anyone present this evening who wished to comment could do so at this time.

Ross Scimeca then addressed the Board and stated that he and others had met a few times with Trustee Wolf and others and all items have not yet been addressed. He further stated that he felt the annexation would lower his property values yet raise his assessed evaluation.

1. Mailing address – they do not want a mailing address change
2. No restrictions on farming operations and no allowance of complaints of farm noise
3. Remove all the wording of “at this time” from the ordinance
4. No sidewalks ever
5. Freeze on Property Tax

Mr. Erday was also present and stated that he supported the comments as made by Mr. Scimeca and that he was appreciative that the Board worked with the County to continue the historical designation for his home.

President Michels thanked those for their input and closed the public hearing at 6:30 p.m.

**APPOINTMENTS AND PRESENTATIONS**

None.

**PUBLIC COMMENTS ON ITEMS SCHEDULED FOR ACTION**

President Michels called for any public comments on the items scheduled for action on the agenda. No member of the public stepped forward and this portion of the agenda was closed at 6:31 p.m.

**CONSENT AGENDA**

- a. Approval: Minutes of the December 19, 2006 Meeting
- b. Approval: Vouchers
- c. Resolution: Watermain Acceptance – Lots 19 and 20 Sugar Grove Research Park
- d. Resolution: Reduction of Bond – Lots 19 and 20 Sugar Grove Research Park
- e. Resolution: Approving an Agreement to Shut Off Water Service on Behalf of Fox Metro

Trustee Johnson moved **to approve the consent agenda as presented.** Trustee Geary seconded the motion. President Michels then called for a roll call vote.

AYE:	Geary	NAY:	None	ABSENT:	None
	Wolf				
	Heineman				
	Renk				
	Johnson				
	Bohler				

**Motion Carried.**

**GENERAL BUSINESS**

**Ordinance Annexing Property – Bliss and Merrill**

Trustee Johnson moved **to adopt An Ordinance Granting a Variance to Land in the Village of Sugar Grove, Kane County, Illinois.** Trustee Renk seconded the motion. President Michels called for discussion. The Board discussed the annexation and the concerns presented. The Board asked staff if would be possible to continue to work on an annexation agreement with the property owners, understanding that all concerns that have been brought up cannot be addressed. Staff replied that yes this could be done, however, a voluntary annexation, will require that all property owners sign and that the process begin again as a new public hearing will need to be held. Some property owners have indicated many times that they will not sign an agreement unless all their concerns are addressed to their satisfaction. The Board stated that they felt that another attempt would be in the best interest of the Village and that this item should be tabled for the time being. Action will be delayed until March 6, 2007.

Trustee Johnson moved to table **An Ordinance Granting a Variance to Land in the Village of Sugar Grove, Kane County, Illinois to the March 6, 2007 meeting and to further direct staff to work on an annexation agreement which mentions the concerns as presented, but further acknowledging on behalf of the Village of Sugar Grove that not all items can be addressed.** Trustee Renk seconded the motion. President Michels called for discussion and hearing none called for a roll call vote.

AYE:	Geary	NAY:	None	ABSENT:	None
	Wolf				
	Heineman				
	Renk				
	Johnson				
	Bohler				

**Motion Carried.**

**NEW BUSINESS**

None

**REPORTS**

Chief of Police, Brad Sauer, briefly outlined the statistics report submitted.

Community Development Director, Scott Buening, informed the Board that Michelle Noyes has passed her Plumbing Plans Examiner test.

President Michels informed the Board and the Public present that the Water Study and the Well and Treatment Plant in Setter’s Ridge has won an award from the APWA.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

Trustee Geary moved to adjourn the regular meeting at 7:00 p.m. Trustee Johnson seconded the motion. All members in attendance voted **AYE**.

**Respectfully submitted, Cynthia L. Welsch, Village Clerk**

**January 9, 2007**  
**Committee of the Whole Meeting**  
**6:55 p.m.**

**Present:** President Michels, Trustee Wolf, Trustee Geary, Trustee Renk, Trustee Heineman, Trustee Bohler, and Trustee Johnson

**Quorum Established**

**Also Present:**

Administrator Brent Eichelberger, Clerk Cynthia Welsch, Community Development Director Scott Buening, Attorney Peter Wilson, Public Works Director Tony Speciale and Streets and Properties Supervisor Geoff Payton.

**Kaneland Harter Road School Site Annexation Agreement**

Tom Renti, Business Manager for the Kaneland School District presented the concept plan for the school site on Harter and Route 47 to the Village Board. Mr. Renti outlined the site and stated that the School District is poised to go to referendum in the spring for the building of the school campus.

The following items were discussed regarding the sight.

- 1) Parking lot landscape island requirement. The District asked that this Ordinance be waived, but has provided no justification that outweighs their benefits. Parking lot landscape islands are normally required under Village Ordinance.
- 2) Architectural review of the buildings. The Village has put on the agreement the requirement of architectural review and approval by the Village Board. The District would prefer no review by the Village of the proposed architecture. School Board President stated that not even the School Board will weigh in on the design.
- 3) Well and treatment site. The agreement has been written such that the District will donate a site to the Village for these facilities, but the District wants the Village to pay for this. Mr. Renti stated that the district works with many municipalities and needs to treat each the same.

The Village Board discussed the items, and agreed that the parking lots should not contain landscaping for safety reason. However the landscaping should be placed in an alternate area. The Village Board would prefer to retain architectural review authority and will recognize that the school district intends to build a fiscally responsible building that contains architectural elements that are timeless. The Village felt that as the Village is installing the extended water main at a substantial cost the School Board could assist in the land for the well. This will be worked out between the members of each entities staff.

The annexation of the property will move forward as scheduled.

**Implementation of the Amended School Impact Fee Tables**

Community Development Director explained that the Kaneland School District has developed revised impact fee tables and that they are requesting municipalities implement these tables with any new development approvals and to apply the fees to those applicable existing developments. These tables are similar to the ones adopted in 2004 in that they have minimum and maximum amounts that would be contributed, regardless of home value or type. The fees change somewhat for individual units, but still retain a cap of \$6,000.00 and a floor of \$1,500.00 per unit. The scale is compressed; however, so more houses will pay either the floor or cap amounts. The Board reviewed the information and directed staff to implement upon proper notification to the affected developers.

**Special Use – 549 N. Heartland (Harris Motor Sports)**

Community Development Director Buening explained that this Special Use request is to allow retail and wholesale sales and servicing of golf carts, utility vehicles, and other off road vehicles, including storage of vehicles in an outside fenced area and outside display of said vehicles during operating hours in the M-1 Limited Manufacturing District.

The Board reviewed the information and the discussion included the access to Lot 33 at the southern end of that lot, the need for eight additional evergreen trees in the front buffer yard, the fence Elevation, the 10 X 30 display area that shows a gravel connection to the access drive and the need to pave all drive approaches outside the fenced area, which includes the outdoor display area, as well as areas within 20 feet of any storm drains.

During the course of discussion the petitioner stated that they would remove the outdoor storage in exchange for gaining additional screened outdoor storage. The trees would be located as discussed. The Board then approved of this item will move forward to the January 23, 2006 agenda for approval.

**Settlers Ridge Model Sale Prohibition Agreement**

Community Development Director Buening Staff has had discussions with the developer of Settlers Ridge and the collection of transition fees in this development. Transition fees are collected when the certificate of occupancy (CO) is issued on newly constructed homes. However, in the case of model homes, it was not clear when these should be collected. In working with the developer and the Village Attorney, a model sale prohibition agreement was developed. This agreement would be recorded against the property showing that the transition fee has not yet been paid, and that it needs to be paid prior to any sale of the model home. This agreement would be used as a model agreement for future model homes in any subdivision where a transition fee to be paid at CO is due.

The Board reviewed the agreement and agreed that it was in the best interest of the Village. This item shall be placed on the January 23, 2007 Consent Agenda for approval.

**Final PUD & Amendment, Preliminary & Final Plats for a Daycare Center at Capitol and Park**

Community Development Director Scott Buening stated that the petitioner, New Channels Realty, LLC, is requesting a Major PUD Amendment, Final PUD, and Preliminary and Final Plat to allow a proposed daycare facility and school. The Major PUD Amendment is required due to the proposed changes to Lots 3, 4, and 15. The Final PUD is essentially

the site plan review as required in the Sugar Grove Center PUD. The Preliminary and Final Plat are required to resubdivide the lots (or portions of lots) into one lot. The following items were reviewed and discussed by the Board and the Petitioner.

The sidewalk to Park Avenue shall be relocated to be in line with the center parking island and handicapped spaces. If necessary, one parking space should be removed to widen the landscape island to accommodate the sidewalk while maintaining a tree location. Staff and the Architectural Review and Resource Group recommended that a second set of windows be added to the east elevation of the building or information. The applicant explained that wall space is limited in the classrooms and they would prefer not to add a second set of windows to this elevation. The Board concurred with the petitioner.

Signage as proposed does not meet the requirements of the Sugar Grove Center PUD. If alternate signage is desired along Capitol Drive, then the sign style shall be approved by the Sugar Grove Center developer and approved by the Village prior to permitting. The applicant has proposed a monument sign with the monument being approximately 6' tall and 9' wide and a sign face 3' tall and 7' wide. Since the sign that has been approved for the out lots in Sugar Grove Center is 8' tall and 12' wide, the applicant has shown their sign in this size on the latest plan. This applicant and others along Capitol Drive will come back to the Village with a PUD Amendment to change the sign requirements for Capitol Drive to allow for smaller, more aesthetically pleasing signs. The Board concurred with the smaller signage.

The Board discussed the information submitted and agreed with all presented. This item will be placed on the January 23, 2006 agenda for approval.

### **Encroachment Variance – 515 Willow Street**

Community Development Director, Scott Buening stated that the petitioner, Algird Norkus, is requesting a variance to allow a single-family lot with a lot coverage of approximately 58% instead of the maximum allowed 45% the following information was presented. This lot was developed as part of the Hannaford Farm Unit 1 subdivision. At the time of the final grade survey, the Village engineering consultant noted that a wall encroached into the drainage and utility easement. He also noted additional encroachments on all sides of the lot. None of these encroachments had been shown on the site plan. The Village engineering consultant relayed the information to the Community Development staff. CD staff realized the lot also appeared to not meet the maximum lot coverage requirement. After further review, it was determined that the lot has approximately 58% lot coverage, when only 45% is allowed.

In order to grant a variance, the petitioner has to meet certain standards listed in Section 11-13-10-E of the Sugar Grove Zoning Ordinance. The Plan Commission/Zoning Board of Appeals (PC) conducted a public hearing and reviewed the application and standards at their meeting on December 19, 2006. No members of the public spoke regarding the variances proposed. The Plan Commission voted 1-5 to recommend approval of the lot coverage variance and 2-4 to recommend approval of the various encroachments variance. Staff recommends denial recommendation as the encroachments do not meet the standards for a variance.

The Board discussed the variances which entails the following; one brick wall encroachment into the 10' rear drainage and utility easement, one brick wall encroachment into the 10' front drainage and utility easement, three brick wall encroachments into the 7.5' east side drainage and utility easement, and two brick wall and one brick stairwell encroachments into the 7.5' west side drainage and utility easement.

The Board reviewed the information presented. Most Board members had visited the sight and found that the only problem they could find with the encroachment was the back brick wall. The Board approved of the variance as requested with the removal of a portion of the back brick wall. This item will move forward to the January 23, 2007 agenda for approval.

### **Police Facility 911 Center**

Staff and the design group explained that upon discussion with the Village of Montgomery it has been determined that there is not a need in the near future for a 911 Center for Sugar Grove.

The design group presented a revised schematic design for the Sugar Grove Police Facility without a 911 Center. The Board reviewed the revised plan and found it acceptable and architecturally pleasing. The Board directed staff and the design group to proceed and to place the revised schematic design on the January 23, 2007 agenda for approval.

**Regulating Smoking in Indoor Places**

Clerk Welsch presented the following outline for the consideration of an ordinance regulating smoking in the Village of Sugar Grove.

1. That the draft ordinance be placed for further discussion and public comment on the February 6, 2007 Committee of the Whole.
2. The draft ordinance is placed on the Village Website.
3. A link to the County Health Department page on secondhand smoke is placed on the Village Website.
4. A link to the proposals on smoking ban ordinances by other municipalities is placed on the web.
5. A list of municipalities in Illinois that have enacted a smoking ban be placed on the web.
6. A notice of February 6, 2007 meeting is published.
7. The ordinance is scheduled for adoption in March 2007.
- 8.

The Board approved of the schedule as presented.

**Closed Session**

Trustee Geary **moved to adjourn to Closed Session to discuss probable litigation, taking no action and to adjourn there from.** Trustee Wolf seconded the motion and President Michels then called for a roll call vote.

AYE:	Geary	NAY:	None	ABSENT:	None
	Wolf				
	Heinemann				
	Renk				
	Bohler				
	Johnson				

**Motion Carried.**

Meeting Adjourned at 8:30 p.m.

Respectfully submitted, Cynthia Welsch, Village Clerk