



100 Parkers Mill • Oswego, Illinois 60543
(630) 554-3618 • Fax: (630) 554-3306
Website: <http://www.oswegoil.org>

NOTICE AND AGENDA

**NOTICE IS HEREBY GIVEN
THAT A COMMITTEE OF THE WHOLE MEETING
OF THE OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
WILL BE HELD ON**

JANUARY 10, 2012

6:00 p.m.

Location: Oswego Village Hall, 100 Parkers Mill, Oswego, IL

- A. CALL TO ORDER AND ROLL CALL**
- B. PUBLIC FORUM**
- C. ZONING ORDINANCE TEXT AMENDMENT – ALLOWING BREWERIES IN B-2 AND M-1 ZONING DISTRICTS**
- D. VACATION AND SICK/PERSONAL LEAVE POLICY DISCUSSION**
- E. CLOSED SESSION**
- Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
 - Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel or Officer [5 ILCS 120/2(c)(1)]
 - Collective Bargaining/Negotiations [5 ILCS 120/2(c)(2)]
 - Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]
- F. ADJOURNMENT**

Posted: _____
Date: _____
Time: _____
Place: _____
Initials: _____

Jeanne L. Hester, CMC
Village Clerk



COMMUNITY DEVELOPMENT DEPARTMENT

100 Parkers Mill · Oswego, IL 60543 · (630) 554-3622 · Fax: (630) 551-3975
Website: <http://www.oswegoil.org>

AGENDA MEMORANDUM

DATE: January 4, 2012

TO: Village President and Board of Trustees

THROUGH: Rod Zenner, Community Development Director

FROM: Clinton Smith, Planner

SUBJECT: Agenda for the January 10, 2012 Village Board Meeting
Zoning Ordinance Text Amendment
Section 8.02 – B-2 Community Shopping District
Section 9.01 – M-1 Limited Manufacturing District
Project #770.11

Purpose:

To review a proposed text amendment to the Zoning Ordinance to allow the production, bottling and distribution of alcoholic beverages in a B-2 District as a special use, and in an M-1 District as a permitted use.

Request:

Staff has prepared two text amendments to the Zoning Ordinance. One amendment would allow for the production, bottling, and distribution of alcoholic beverages as a special use in the B-2 District, and the other would allow alcoholic beverages to be produced in the M-1 District. **See the attached Plan Commission report for further details.**

Discussion:

The Plan Commission reviewed the text amendments at their December 8, 2011 meeting. Staff presented their report on the proposed amendments to the Zoning Ordinance. Commissioners recommended that the text amendment for the B-2 District be amended to make the proposed use a special use, which requires a public hearing, and would allow the Village to enact special conditions on future requests for the special use if necessary. The Plan Commission also recommended approval of the M-1 District Amendment to allow the production of alcoholic beverages.

Recommendation:

Staff is presenting for Board consideration, the First Read of Ordinance granting approval of the Zoning Ordinance Text Amendment to Section 8.02 – B-2 Community Shopping District and to Section 9.01 – M-1 Limited Manufacturing District, and waiving second read.



COMMUNITY DEVELOPMENT DEPARTMENT

100 Parkers Mill · Oswego, IL 60543 · (630) 554-3622 · Fax: (630) 551-3975
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STAFF REPORT

DATE: November 29, 2011

TO: Chairman and Plan Commission

THROUGH: Rod Zenner, Community Development Director

FROM: Clinton Smith, Planner

SUBJECT: Staff Report for the December 8, 2011 Plan Commission Meeting
Zoning Ordinance Text Amendment
Section 8.02 – B-2 Commercial District
Section 9.01 – M-1 Limited Manufacturing District
Project #770.11

Purpose

To review a proposed text amendment to the Zoning Ordinance to allow the production and bottling of alcoholic beverages in a B-2 District and a M-1 District.

Background

The Village was approached by two separate parties interested in establishing facilities that would produce alcoholic beverages. The potential locations are in the B-2 District and the M-1 District.

Currently, the only district that would permit the production of alcoholic beverages is the M-2 General Manufacturing District, which permits any type of production if it meets the performance standards in Section 9.03 of the Zoning Ordinance. In the M-1 District, the production and processing of **non-alcoholic** beverages is allowed. Bottling and distribution of **non-alcoholic** beverages is permitted in the B-3 District, as are taverns. The sale of packaged alcoholic beverages is allowed as a special use in B-2 Districts, and restaurants are allowed in B-1 Districts.

Staff Analysis

Section 8.02 – B-2 Commercial District

Currently, restaurants are permitted in the B-1 District – and therefore in all Business Districts – and they are permitted to serve alcohol if they have acquired a liquor license. If an establishment such as a microbrewery or a brew pub were to serve food, staff is of the opinion that this use would be permitted in all business districts as a restaurant. If the establishment only served alcohol, it would most likely be considered a tavern, which is permitted in the B-3 District.

One of the inquiries staff received was from an individual that was interested in locating an establishment that would produce, bottle, and sell alcoholic beverages on property zoned B-2.

Without food sales, it would not be considered a restaurant, and could not be located in the B-1 or B-2 District. In fact, no single Zoning District in the Village, allows the production, bottling, and sale of alcoholic beverages. The bottling and distributing of **non-alcoholic** beverages is allowed currently in the B-3 District, but not production. Production of **non-alcoholic** beverages is allowed in the M-2 District, but not retail sales.

One option to permit this type of business to operate would be to allow the combination of these uses in a commercial district such as the B-2 District. According to the Zoning Ordinance, the B-2 District is defined as: “A district designed to provide areas for retail establishments which offer a wide range of goods and services in shopping centers.” Amending the B-2 District to include the production, bottling, and sale of alcoholic beverages would permit businesses such as microbrews to locate on properties located downtown, several properties at the intersection of Plainfield Road and Route 71, along Plainfield Road in the Stone Hill Business Park, around Village Hall, as well as a few other locations.

One example of a similar use is The Fox Valley Winery, located at 5600 Route 34, which is located in a B-2 District. The winery was approved through a PUD agreement in 2006 which permitted the winery at that location. A microbrew-type establishment could include a tasting room where samples would be available, and would allow them to have their product available for retail sale as well.

In addition to amending the B-2 District, the Plan Commission may also consider revising a previous recommendation on the B-5 Downtown Core Business District. The Plan Commission had previously reviewed and approved a potential new zoning district – the B-5 Downtown Core Business District. This zoning is very similar to the B-2 zoning, and puts an emphasis on retail business in the downtown area. Staff is of the opinion that, if this use is approved for the B-2 District, it would also be appropriate in the B-5 District.

Section 9.01 – M-1 Limited Manufacturing District

Staff has also spoken with an individual interested in locating a brewery facility in an M-1 Limited Manufacturing District. The production and processing of **non-alcoholic** beverages (Section 9.01-B.3.g) are allowed in the M-1 District. The M-2 District allows for the production of any good (such as alcoholic beverages) as long as it meets the performance standards of Section 9.03, which includes limits on nuisances such as noise and odor as a result of production.

Staff is of the opinion that the production of alcoholic beverages would be an acceptable use in the M-1 District. It would still be required to meet the performance standards of Section 9.03, as it would in the M-2 District. In fact, many of the performance standards are more stringent in the M-1 District than the M-2 District.

Recommendation

Staff recommends approval of the Zoning Ordinance Text Amendments as attached.

Zoning Text Amendments

Staff is recommending the following text amendments for approval. **Bold** indicates new language; ~~striketrough~~ indicates deleted language.

8.02 B-2 COMMUNITY SHOPPING DISTRICT

A. Permitted Uses

8. **Beverage producing, bottling, and distributing.**

8.06 B-5 DOWNTOWN CORE BUSINESS DISTRICT

B. Permitted Uses

8. **Beverage producing, bottling, and distributing.**

9.01 M-1 LIMITED MANUFACTURING DISTRICT

B. Permitted Uses. The following uses are permitted:

3. Production, Processing, Cleaning, Testing or Repair, limited to the following uses and products:
 - g. Beverages – ~~non-alcoholic~~

**VILLAGE OF OSWEGO
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 12 -- __

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE
VILLAGE OF OSWEGO ZONING ORDINANCE
SECTION 8.02 B-2 COMMUNITY SHOPPING DISTRICT AND
9.01 M-1 LIMITED MANUFACTURING DISTRICT**

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This __th day of _____, 2012

Prepared by and return to:
Village of Oswego
100 Parkers Mill
Oswego, IL 60543

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on _____, 2012.

ORDINANCE NO. 12 -- __

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE
VILLAGE OF OSWEGO ZONING ORDINANCE
SECTION 8.02 B-2 COMMUNITY SHOPPING DISTRICT AND
9.01 M-1 LIMITED MANUFACTURING DISTRICT**

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the President and Board of Trustees hereby determine that an amendment to the Zoning Ordinance be approved to establish regulations regarding the production and bottling of alcoholic beverages in a B-2 Community Shopping District and M-1 Limited Manufacturing District is in the best interest of the Village of Oswego.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1:

That Sections 8.02 B-2 Community Shopping District and 9.01 M-1 Limited Manufacturing District of the Zoning Ordinance Village of Oswego be and the same is hereby amended to add regulations for the production and bottling of alcoholic beverages as set forth in Exhibit “A” attached hereto and by reference made a part hereof.

SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance shall be and the same are hereby repealed.

SECTION 3: SEVERABILITY

This Ordinance and every provision hereof, shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs, provisions and sections and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED this ___th day of _____, 2012 with said vote being:

TONY GILES	_____	TERRY MICHELS	_____
GAIL JOHNSON	_____	JUDY SOLLINGER	_____
JEFF LAWSON	_____	SCOTT VOLPE	_____

APPROVED by me, Brian LeClercq, as President of the Board of Trustees of the Village of Oswego, Kendall County, Illinois this ___ day of _____, 2012.

BRIAN LeCLERCQ, VILLAGE PRESIDENT

ATTEST:

JEANNE L. HESTER, VILLAGE CLERK

EXHIBIT A

8.02 B-2 COMMUNITY SHOPPING DISTRICT

B. Special Uses

4. Beverage producing, bottling, and distributing.

9.01 M-1 LIMITED MANUFACTURING DISTRICT

B. Permitted Uses. The following uses are permitted:

3. Production, Processing, Cleaning, Testing or Repair, limited to the following uses and products:
 - g. Beverages

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE VILLAGE CLERK FOR THE VILLAGE OF OSWEGO, ILLINOIS, AND THAT THE BOARD OF TRUSTEES AT A REGULARLY CONSTITUTED MEETING OF SAID BOARD OF TRUSTEES OF VILLAGE OF OSWEGO ON THE ___th DAY OF _____, 2012 ADOPTED ORDINANCE NO. 12-____, A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET.

GIVEN UNDER MY HAND AND SEAL THIS ___th DAY OF _____, 2012.

(SEAL)

JEANNE L. HESTER, VILLAGE CLERK

Village of Oswego
MEMORANDUM

TO: Village President & Board of Trustees
FROM: Ann Spears, Human Resource Director
DATE: January 5, 2012
RE: Benefit Changes for Non-Union Employees

The unionization of the Police and Public Works departments has resulted in a minority of non-union Village employees receiving fewer benefits in the area of benefit time than their union counterparts. Specifically, the unionized departments (Police and Public Works) are now receiving:

1. Additional vacation time.
2. Additional sick time.
3. More flexible comp time accrual.

The unionized employees receiving enhanced benefits number at 63, while the number of non-union employees is now 39. Staff is requesting that the Board consider changing the benefit time for the non-union employees to match the benefit time of the unionized Public Works employees. Enhancing the benefit time of the non-union employees would:

1. Increase morale by reducing differences in benefit time between sworn union and non-union employees; and eliminating differences in benefit time between civilian union and non-union employees (Sworn union employees would still receive higher levels of benefits than civilian employees).
2. Increase the Village's ability to recruit and retain the best employees, which is a goal of the Village's strategic plan.
3. Reduce significant administrative challenges by having only 2 sets of benefit time accrual schedules - one for Patrol Officers/Sergeants and one for unionized Public Works/Non-union employees - as opposed to the 3 we currently are administering.

Staff is requesting the Board to consider the following changes to non-union employee benefit time:

1. Change the vacation vesting schedule as follows:

Year of Employment	Vacation Hours	
	Current	Proposed
1 st	0	0
After 1st	64	80
After 2nd	80	80
After 3rd	96	96
After 4th	104	104
After 5th	112	120
After 10th	120	144
After 15th	160	160

(The changes to the vesting schedule occur after the 1st, 5th, and 10th years of service)

2. Change the vacation accrual date from January 1st of each year to the employee's anniversary date; as well as revising the accrual language in the personnel policy as recommended by the Village Attorney.

3. Change the Sick/Personal leave policy as follows:

- After 4 years of employment, increase the sick leave accrual amount from 6 hours per month to 8 hours per month. Currently, the sick leave accrual is 6 hours per month regardless of years of service.
- Change the usage to sick leave only (rather than personal leave in the year of accrual). This would limit the use of this type of leave for use as sick leave only rather than use as sick or personal leave in the year of accrual (except as described below).
- Allow 24 hours of the sick leave to be used for personal reasons if requested by the employee and approved by the employee's supervisor.

4. Change the Comp time accrual policy as follows:

Allow employees to accrue up to 40 hours of comp time on "rolling basis" rather than the flat 40 hours per year that is currently allowed.

Attachment A, included for your information, is a comparison of vacation and sick leave benefits of 8 comparable communities.

As stated above, Staff is requesting that the Board consider these changes; and respectfully requests direction from the Board with respect to inclusion of these changes for action on the next Village Board agenda.

Thank you.

Attachment A
Comparable Benefit Information

Comparable Benefit Information

Year of Employment	Vacation Hours											Sick Hours								
	Proposed Village of Oswego	Batavia	St. Charles NonEx	St. Charles Ex	Plainfield	Lake in the Hills	Crystal Lake NonEx	Crystal Lake EX	Lake Zurich	Lisle	Geneva	Proposed Village of Oswego	Batavia	St. Charles	Plainfield	Lake in the Hills	Crystal Lake	Lake Zurich	Lisle	Geneva
1st	0	40	0.00	120.12	0	80	39.96	80.04	80	0	0	72	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
2nd	80	80	0.00	120.12	80	80	96	135.96	80	80	80	72	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
3rd	80	80	0.00	120.12	80	80	96	135.96	80	80	88	72	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
4th	96	80	0.00	120.12	80	120	96	135.96	80	80	88	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
5th	104	80	120.12	128.18	80	120	120	135.96	80	120	96	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
6th	120	120	120.12	136.24	120	120	120	135.96	80	120	96	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
7th	120	120	120.12	144.04	120	120	120	135.96	120	120	120	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
8th	120	120	120.12	152.10	120	120	120	135.96	120	120	120	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
9th	120	120	120.12	160.16	144	120	135.96	176.04	120	120	120	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
10th	120	120	128.18	168.22	144	120	135.96	176.04	120	120	120	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
11th	144	120	136.24	176.02	160	160	135.96	176.04	128	128	128	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
12th	144	120	144.04	184.08	160	160	135.96	176.04	136	136	128	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
13th	144	160	152.10	160.16	160	160	135.96	176.04	152	144	144	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
14th	144	160	160.16	200.20	160	160	135.96	176.04	152	152	152	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
15th	144	160	168.22	208.00	160	160	176.04	216	160	160	160	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
16th	160	160	176.02	216.06	184	160	176.04	216	168	168	160	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
17th	160	160	184.08	224.12	184	160	176.04	216	176	176	160	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
18th	160	160	192.14	232.18	184	200	176.04	216	184	184	168	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
19th	160	160	200.20	240.24	184	200	176.04	216	192	192	168	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
20th	160	160	200.20	240.24	184	200	176.04	216	200	200	168	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
21st	160	200	200.20	240.24	200	200	176.04	216	200	200	184	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
22nd	160	200	200.20	240.24	200	200	176.04	216	200	200	184	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
23rd	160	200	200.20	240.24	200	200	176.04	216	200	200	184	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
24th	160	200	200.20	240.24	200	200	176.04	216	200	200	192	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
25th	160	200	200.20	240.24	200	240	176.04	216	200	200	200	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96
26th	160	200	200.20	240.24	200	240	176.04	216	200	200	200	96	96	480 (1 time award)	64+16 Personal	96	96	96	96	96