

**VILLAGE OF HUNTLEY
VILLAGE BOARD
September 26, 2019
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, September 26, 2019 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles Sass; Trustees: Ronda Goldman, Tim Hoeft, Niko Kanakaris, Harry Leopold, John Piwko, and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Management Assistant Barbara Read, Director of Development Services Charles Nordman, Chief Robert Porter, and Village Attorney John Cowlin.

PLEDGE OF ALLEGIANCE: Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS:

John Mayerhofer, 12231 Tuliptree, spoke about his opposition to allowing legal cannabis in the Village.

Kim Skaja, Rich Bobby, Jaime DeBlieck, and Chad Alexander representing the District 158 Education Foundation thanked the Village Board, Staff, the Police Department and Public Works for all the work making the Hootenanny Glow 5k a huge success raising over \$30,000 for teacher grants and student scholarships.

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Consideration – Approval of the July 25, 2019 Village Board, August 8, 2019 Liquor Commission, and August 8, 2019 Village Board Meeting Minutes

Mayor Sass reported that Trustee Kanakaris was absent from the August 8, 2019 Liquor Commission and Village Board meetings.

Mayor Sass asked if the Village Board had any comments or changes to the Minutes; there were none.

A MOTION was made to approve the July 25, 2019 Village Board Meeting Minutes.

MOTION: Trustee Leopold
SECOND: Trustee Kanakaris
AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
NAYS: None
ABSENT: None
The motion carried: 6-0-0

A MOTION was made to approve the August 8, 2019 Liquor Commission and August 8, 2019 Village Board Meeting Minutes.

MOTION: Trustee Leopold
SECOND: Trustee Westberg
AYES: Trustees: Goldman, Hoeft, Leopold, Piwko and Westberg
NAYS: None
ABSENT: None
ABSTAIN: Trustee Kanakaris
The motion carried: 5-0-0-1

- b) Consideration – Approval of the September 26, 2019 Bill List in the amount of \$441,592.53

Mayor Sass reported that \$195,248.00 (or 45%) of the total bill list is attributable to the payment of development impact fees to other taxing bodies (\$176,850.00) and payment to Roesch Ford for new Police Squad#14 (\$18,398.00).

Mayor Sass asked if the Village Board had any comments or questions regarding the Bill List; there were none.

A MOTION was made to approve the September 26, 2019 Bill List in the amount of \$441,592.53.

MOTION: Trustee Piwko
SECOND: Trustee Goldman
AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
NAYS: None
ABSENT: None
The motion carried: 6-0-0

- c) Consideration – Authorization for Staff to Issue a Letter of Understanding to Animal House Shelter to hold a Howl-O-Ween Festival on October 19, 2019

Mayor Sass reported that Animal House Shelter (AHS) is requesting to hold a Howl-O-Ween Festival in the Square on Saturday, October 19, 2019 from 10 a.m. to 1 p.m. The event will include: a pet parade, costume contest, vendors, music, pre-packaged snacks, donation drive, and Animal House Shelter merchandise for sale. The event will be open to the public. All animals must be up to date on vaccines and on a leash or in an enclosed stroller during the event. All proceeds will support Animal House Shelter's mission to rescue all breeds of dogs and cats.

Staff Analysis

Coral Street will be closed early in the morning and will re-open at the close of the event at 1:00 p.m. As it did in 2017, the parade will take place completely on sidewalks. The parade will begin at 11:00 a.m. with AHS volunteers leading the way. Participants will line up along Coral Street heading east and will then head north up Church Street, go west on Third Street, head south on Woodstock Street back on to Coral Street. Participants will be required to clean up after their pets and AHS volunteers will be stationed at street crossings and will also ensure that no pet waste is left behind along the route as well as in the Town Square at the close of the event.

The large tent and picnic tables that will be set up in the Square for the Village events on October 20th
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will be available for AHS to use for their event.

A Letter of Understanding will be sent to Animal House Shelter outlining the requirements and responsibilities to hold the event.

Financial Impact

The completion of an Amplification Permit request and \$25 fee will be required.

Mayor Sass reported that a representative from Animal House Shelter was in attendance to answer questions.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold suggested that the Amplification Permit fee be waived; the other Trustees were in agreement.

There were no other comments or questions.

A MOTION was made to authorize Staff to issue a Letter of Understanding to Animal House Shelter to hold a Howl-O-Ween Festival on October 19, 2019.

- MOTION:** Trustee Leopold
- SECOND:** Trustee Kanakaris
- AYES:** Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
- NAYS:** None
- ABSENT:** None
- The motion carried: 6-0-0**

- d) Consideration – An Ordinance Approving Signage Relief for More Brewing Company, 13980 Automall Drive

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that on January 24, 2019, the Village Board approved the Site Plan and a Special Use Permit for More Brewing Company to be located at 13980 Automall Drive in the former Chevrolet Dealership. During the review process, the signage and landscape plans were also approved.

After taking a closer look at the signage plans for the west façade of the building, the owners have identified complications with the location of drain spouts which could result in issues for their wall sign. In an effort to bypass this problem, and to increase visibility for the signage, More Brewing is requesting to raise the sign higher and place it upon the roof of the building.

Staff Analysis

More Brewing Company is requesting a 4’-6’’ high by 76’-1’’ wide LED illuminated wall sign for the west side of the building. The design for the sign is the same as the sign approved in January, 2019 (Exhibit 1). The requested location for the sign is now on the roof (Exhibit 3 and 4). Per Section 156.121 (L) of the Zoning Ordinance, roof signs are prohibited. Therefore, relief is required to allow the roof sign.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies “Promote New Business Development, Retention, and
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Expansion” as a Strategic Priority, “Attract and Retain Businesses to Enhance Tax Base and Create New Jobs” as a goal, and “work with commercial property owners to attract additional restaurants and shopping opportunities” as an objective.

Director Nordman reported that representatives from the petition were in attendance to answer questions.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold asked if the signage on the silos will be seen as they don’t appear to be very large. Suny Patel, More Brewing Owner, stated that the silo signs should be visible as they are 15 to 20 feet wide.

Trustee Piwko noted the request for the roof sign and stated that he was concerned with high winds; Mr. Patel stated that it will be fastened at the top and also the back of the sign to make sure it is secure.

Trustee Westberg asked about extending the parapet upwards; Mr. Patel stated that it may not look good.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Approving Relief for a Roof Sign for More Brewing Company, 13980 Automall Drive.

MOTION: Trustee Hoeft
SECOND: Trustee Leopold
AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
NAYS: None
ABSENT: None
The motion carried: 6-0-0

Trustee Kanakaris stated the following: “Since I’m an owner of Regency Square in Huntley, I will not participate in any discussions nor will I vote for this project, Hampton Inn and Suites. Trustee Kanakaris left the Board Room.

- e) Conceptual Review – NewGen Assets LLC Proposed Hampton Inn & Suites on a 6.57 Acre Site at Regency Square and Authorization to Enter into Negotiations for a Business Development Agreement

Village Manager David Johnson reported that the contract purchaser is interested in the 6.57 acre parcel on the southeast corner of Kreutzer Road and the future extension of Regency Parkway. The property is located within the Regency Square development.

The purchaser has secured a Hampton Inn & Suites Franchise Flag with Hilton and is proposing to begin development with a Hampton Inn & Suites Hotel by Hilton with approximately 90 rooms (approximately one-third would be suites), with the future addition of an extended stay Home 2 Suites by Hilton with approximately the same number of rooms. The purchaser recently commissioned a hotel study which was “favorable ... with a cautionary undertone.”

Staff Analysis

The site is zoned Business Park – Planned Development District (“BP-PDD”) and a hotel is a special use within Regency Square. The site is subject to the Regency Square Design Guidelines and will require at a minimum the following review and approvals from the Plan Commission and Village Board:

1. Special Use Permit
2. Site Plan Review, including any necessary relief
3. Plat of Subdivision

The contract purchaser has expressed interest in starting construction in spring 2020, with an opening in the summer of 2021.

Financial Impact

The contract purchaser is seeking financial assistance. The estimated project cost is \$13 million. The purchaser is seeking authorization from the Village Board to enter into negotiations for a Business Development Agreement that would provide for a 10-year, 100% property tax abatement and a 10-year, 100% rebate of the Village’s hotel/motel tax. The purchaser anticipates the creation of 25-30 new jobs.

Courtesy Review

The petitioner is requesting the Village Board to conceptually review the proposed plans. The Village Board is not required to provide a formal position statement on the proposal, and the petitioner shall not be required to comply with any position statements which are offered. The concept review shall provide the petitioner with initial comments and concerns that should be considered as they proceed in the formal review process. The Village Board and its individual members are not bound by any comments made during the discussion and the petitioner acknowledges that it cannot claim in the future any reliance whatsoever on those comments.

Village Manager Johnson introduced Mr. Pramit Patel, the developer/owner/operator of the project. Mr. Patel reviewed a Power Point presentation describing the features of the proposed hotel.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold asked if the facility would have a conference room; Mr. Patel stated that they had a 90 person conference room.

Mayor Sass asked if the conference room included a banquet facility; Mr. Patel stated that it could not be used for banquets as they would need to have a full service kitchen facility.

Trustee Leopold asked if they would request a liquor license; Mr. Patel said no.

Trustee Leopold asked if they researched the surrounding hotels; Mr. Patel said that they did and their occupancy rate is at 50-54%. Mayor Sass stated that the other communities do not have a Sun City.

Trustee Piwko asked if they will offer a corporate memberships to use the pool and fitness facilities; Mr. Patel said no as the facilities are only for guests.

Trustee Leopold asked Chief Porter if the Village receives about 100 overnight RV parking requests during the year and then asked Mr. Patel if they would have room for RVs; Mr. Patel said that the parking lot would only be for guests.

Trustee Westberg asked how they plan to attract people off of I-90; Mr. Patel stated that due to their location, the Tollway will include signage.

Trustee Westberg asked if they will have electric ports for vehicles; Mr. Patel stated that they will have two (2) electric car charging stations.

Trustee Goldman stated that the hotel will be very positive for Huntley, not only for the people of Sun City but for the rest of the community and Northwestern Hospital.

Trustee Leopold stated that people use to look for signs along the highway but now they look on their smart phones.

Trustee Hoeft stated that people pre-plan their travel routes and hotels and agreed that this would be a positive addition to Huntley; Trustee Hoeft wished them the best of luck.

Mayor Sass asked when they would build the second hotel; Mr. Patel stated that they would start the second hotel when the market demands it and also stated that they would not ask for abatements for the second hotel. Mayor Sass stated that if the Village gives them abatements for the first hotel there would be nothing to stop them from leaving without building the second hotel.

There were no other comments or questions.

No formal Village Board action was required as the petitioner is requesting the Village Board to review the proposed conceptual site plan and building elevations and provide any questions, comments, or concerns for the petitioner to consider as they proceed in the formal review process, and to authorize staff to enter into negotiations for a Business Development Agreement.

Trustee Kanakarlis re-entered the Village Board Room at 7:30 p.m.

- f) Consideration – An Ordinance for Acceptance of Public Improvements for Talamore Subdivision Pods 1, 2 and 8A-Phase 2

Mayor Sass reported that the Village Board routinely accepts subdivision public improvements for ownership and maintenance once the improvements have been successfully constructed and inspected. The Village has received a request from Lennar Chicago, Inc. for acceptance of Talamore Subdivision Pods 1, 2 and 8A-Phase 2 along with the release of the performance guarantee for the public improvements.

Staff Analysis

The public improvements punch lists generated by the Village and engineering consultant, Christopher B. Burke Engineering, LTD (CBBEL), have been successfully completed by Lennar of Chicago, Inc. for Pods 1, 2 and 8 A-Phase 2. With acceptance of the public improvements for Talamore Pods 1, 2 and 8 A-Phase 2 the performance guarantees would be released. The Village shall require a 10% maintenance security for a term of three years as follows:

Talamore Subdivision	Public Improvement Value	Current Bond Value	Maintenance Security Required (10%)
Pod 1	\$3,643,409.55	\$728,681.91	\$364,340.96
Pod 2	\$888,791.00	\$177,758.20	\$88,879.10
Pod 8A-Phase 2	\$1,129,564.92	\$225,912.98	\$112,956.49

The current performance securities may be released upon receipt of the maintenance securities.

Financial Impact

All applicable escrow accounts shall be current prior to release of the performance bond.

Village Manager Johnson reported that acceptance is still required for Pod 6, Pod 7, Reed Road, Ackman Road and Founders Field.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

A MOTION was made to approve an Ordinance for Acceptance of Public Improvements for Talamore Subdivision Pods 1, 2 and 8 A-Phase 2.

- MOTION:** Trustee Goldman
- SECOND:** Trustee Kanakaris
- AYES:** Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
- NAYS:** None
- ABSENT:** None
- The motion carried: 6-0-0**

g) Policy Direction – Cannabis Regulation and Tax Act

Attorney Betsy Gates–Alford the Village’s Special Legal Counsel from the Filippini Law Firm reviewed a Power Point presentation and reported that the Cannabis Regulation and Tax Act (Public Act 101-0027) 410 ILCS 705/1 *et seq.* recently signed into law permits (subject to various limitations and restrictions) the production, sale, possession, and use of recreational adult-use cannabis and cannabis-containing products (cannabis concentrates produced by extracting cannabinoids from the cannabis plant as well as foods, beverages, oils, ointments, tinctures, topical formulations, and other products containing cannabis that are not intended to be smoked) under Illinois law beginning on January 1, 2020. Production, sale, and transportation of Adult-Use Cannabis will be limited to State-licensed cannabis business establishments (“Cannabis Businesses”) operating in accordance with the Act. Adults 21 years of age and older will be permitted to purchase, possess, and use Adult-Use Cannabis in limited quantities for personal use.

Cannabis Businesses will be exclusively licensed by the State in the following categories:

- Dispensing organizations (or dispensaries), where Adult-Use Cannabis is sold to consumers at retail. Dispensaries may also sell cannabis paraphernalia and supplies and sell cannabis seeds to registered medical cannabis patients for home cultivation. Dispensaries may not produce or manufacture cannabis or cannabis-infused products, nor can they purchase cannabis or cannabis products from out-of-state sources.
- Cultivation centers, which are fully enclosed growing facilities with up to 210,000 square feet of canopy space for plants in the flowering state. Cultivation centers may also process cannabis and produce cannabis concentrates and/or cannabis-infused products.
- Craft growers, which are fully enclosed growing facilities with up to 5,000 square feet of canopy space for plants in the flowering state. Craft growers may also process cannabis and produce cannabis concentrates and/or cannabis-infused products.

- Infusers and processing organizations, which are facilities where constituent chemicals or compounds are extracted from plants to produce cannabis concentrate and/or where cannabis-infused products are produced.
- Transporting organizations (or transporters), which are businesses that transport cannabis in motor vehicles between other licensed Cannabis Businesses. Transporters may, but are not required to, have a fixed, physical business location.

Medical cannabis products will continue to be made available to qualified, registered patients and caregivers in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.*, (the “Medical Cannabis Act”). Registered medical cannabis patients may also grow up to five cannabis plants in an enclosed, locked space within their residence beginning on January 1, 2020. Existing licensed medical cannabis cultivation centers and dispensaries will be eligible to receive the first round of State licenses for Adult-Use Cannabis production and sales. However, they will be required to keep separate inventories of medical cannabis products. The Act does not otherwise significantly affect medical cannabis business operations or patient and caregiver rights and privileges under the Medical Cannabis Act, nor does it restrict medical cannabis patients from purchasing Adult-Use Cannabis in accordance with the Act.

Staff Analysis

Zoning and Sales Tax

The Act generally preempts local authority, including home rule power, to license and regulate Cannabis Businesses; however, the Act allows municipalities to adopt ordinances prohibiting Cannabis Businesses within their jurisdiction. If municipalities allow Cannabis Businesses, they may: (a) regulate them through the exercise of zoning authority and reasonable time, place, and manner regulations that are not stricter than, or in conflict with, the Act; and (b) impose a Cannabis Retailers’ Occupation Tax at a maximum rate of 3% of gross receipts from Adult-Use Cannabis sales. The tax does not apply to medical cannabis sold under the Medical Cannabis Act. The tax would be in addition to the current 1% sales tax received by the Village on items sold at retail.

Possession and Use

Beginning January 1, 2020, personal possession and use of Adult-Use Cannabis in accordance with the Act may not be prosecuted as a criminal or civil offense under any state law or local ordinance. A municipality, including a home rule municipality, may not prohibit use of Adult-Use Cannabis as authorized by the Act or prohibit home cultivation by registered, qualified medical cannabis patients in accordance with the Act. A person may not be subject to arrest, prosecution, civil penalty, denial of any right or privilege, or other punishment under state or local law for engaging in activities permitted by the Act or for possessing or using cannabis in accordance with the Act. However, possession, manufacture, and trafficking of cannabis not in accordance with the Act remains a criminal offense under the Criminal Code and any applicable local ordinances.

Only persons 21 years of age and older may possess, consume, use, purchase, obtain, or transport Adult-Use Cannabis purchased or produced in accordance with the Act, except as authorized by the Medical Cannabis Act. Underage possession is a civil offense under State law.

The Act requires local law enforcement agencies to automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision, or order of qualified probation for a Minor Cannabis Offense committed prior to June 25, 2019 if certain conditions are met. The Act also establishes timelines for expungement.

The Village will need to review the Village Code to determine whether any amendments are necessary to conform the Village's general ordinances to the Act with respect to possession, use, and transportation of cannabis, and train local law enforcement personnel accordingly.

Personnel

Under the Act, employers can continue to prohibit employees from using cannabis, or being under the influence of cannabis, while working or on-call. However, employers generally cannot discipline employees, or refuse to hire job applicants, for using Adult-Use Cannabis in accordance with state law during non-work hours. The Act allows employers to adopt reasonable, non-discriminatory zero tolerance or drug-free workplace policies or other employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on-call, and an employee may be disciplined or terminated for violating such policies.

An employer is not required to permit an employee to use or be under the influence of cannabis at work or while performing job duties and may consider an employee to be impaired if the employer has a good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen their performance of their job duties. If an employer disciplines an employee on the basis that he or she is under the influence of or impaired by cannabis, the employer must afford the employee a reasonable opportunity to contest the basis of that determination. However, an employer generally may not prohibit or discipline employees for using Adult-Use Cannabis during non-work hours. The Act amends the Right to Privacy in the Workplace Act to state that, except as otherwise specifically provided in the Act, an employer cannot refuse to hire, discharge, or otherwise disadvantage any individual with respect to compensation, terms, conditions, or privileges of employment because the individual uses lawful products (including Adult-Use Cannabis in accordance with the Act) during nonworking and non-call hours

The Village will need to review hiring practices and employment or personnel policies and manuals prior to January 1, 2020 to determine whether changes are necessary to conform to the requirements of the Act, including the amendments to the Right to Privacy in the Workplace Act regarding use of Adult-Use Cannabis during non-work and non-call hours.

Financial Impact

A Cannabis Retailers' Occupation Tax at a maximum rate of 3% of gross receipts from Adult-Use Cannabis sales may be implemented. The tax does not apply to medical cannabis sold under the Medical Cannabis Act. It is difficult to determine at this time how much revenue might be generated by a Cannabis Business. The tax would be in addition to the current 1% sales tax received by the Village on items sold at retail.

Legal Analysis

The Village has the following options to consider:

- A) Adopt an ordinance prohibiting Cannabis Businesses
- B) If the Village Board chooses to evaluate the matter further, it could instead adopt a resolution with a referral to the Plan Commission to consider appropriate zoning regulations for Cannabis Businesses. Adoption of such a resolution would put potential licensees on notice that the Village Board is evaluating whether to allow Cannabis Businesses within the Village and, if so, what regulations would be appropriate, including whether the categories of Cannabis Businesses

should be considered “permitted” or “special” uses under the Zoning Code in the Village’s various zoning districts.

If the Village decides to allow Cannabis Businesses within its jurisdiction, it may exercise zoning authority and, through the zoning process or otherwise, impose reasonable time, place, and manner regulations that are not stricter than, or in conflict with, the Act. Specifically, the Village may:

- (i) enact reasonable zoning regulations for Cannabis Businesses;
- (ii) establish minimum distance limitations between Cannabis Businesses and sensitive uses;
- (iii) regulate on-premises consumption of Adult Use Cannabis at or in a Cannabis Business establishment; and
- (iv) enact reasonable regulations, including through special use or conditional use permits, governing the time, place, manner, and number of cannabis business establishment operations, provided that such regulations do not conflict with or unreasonably restrict business operations authorized by the Act.

Zoning regulations would need to be in place prior to January 1, 2020.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold asked how you can tell when someone has overused cannabis. Attorney Gates–Alford stated that public consumption is not legal and stated that currently there is no published threshold for being over intoxicated from cannabis. Chief Porter stated that it is more difficult to test but Officers are trained to determine driving under the influence.

Trustee Westberg asked for clarification if cannabis can legally be consumed in public; Attorney Gates–Alford stated that it is not permitted to be consumed in public and only allowed in a private home or allowed smoking areas. Attorney Gates–Alford stated that there are also legal quantity limits.

Trustee Leopold asked how an Officer will determine if someone has the legal quantity. Chief Porter stated that if the amount looks borderline then the Officer will need to weigh the amount in possession.

Trustee Hoeft acknowledged that it is going to be legal beginning in January and believes it is fine if someone wants to consume in their own home but stated that he may not be in favor of a dispensary in town and it may not be worth the tax received; however, he would allow it to go before the Plan Commission for review.

Trustee Leopold stated that he would favor prohibiting all cannabis business in the Village and compared it to vaping; Trustee Leopold stated that he was not opposed to medical use.

Trustee Goldman stated that she was not opposed to having a dispensary and would support the item to go before the Plan Commission to be researched; it is here and legal and there are enough regulations set by the State.

Trustee Kanakaris stated that he did not have a problem with any aspect and noted that vaping had nothing to do with cannabis. Trustee Kanakaris stated that he would rather see the tax revenue and would like the Plan Commission to see where it should be allowed.

Trustee Piwko stated that it should go to the Plan Commission for review.

Trustee Westberg stated that he agreed with Trustee Leopold that it is difficult to determine who is high and also stated that it should be investigated by the Plan Commission.

Village Manager Johnson stated that this will come back before the Village Board on October 10th to form a resolution to the Plan Commission.

Trustee Westberg asked if there was data from Colorado. Chief Porter stated that there is accident data, emergency room data and crime data from areas around the dispensaries.

Mayor Sass asked what was reviewed in the emergency room data. Chief Porter stated in Colorado the emergency room numbers went up.

Policy Direction was given to prepare a resolution referring the matter on to the Plan Commission. Village Manager Johnson stated that before going to the Plan Commission a resolution will come back before the Board for specific direction to be given to the Plan Commission.

h) Consideration – A Resolution in Support of Pursuing a McHenry County Consolidated Law Enforcement Training Facility/Shooting Range

Chief Robert Porter reported that there have been on-going discussions amongst various law enforcement agencies in McHenry County over the course of the last several years regarding the need for a multi-jurisdictional training facility/shooting range in the area. Communities interested in working together to identify opportunities and costs associated with a regional facility have been requested to adopt a resolution in support of pursuing a McHenry County consolidated law enforcement training facility/shooting range.

Staff Analysis

Ten years ago, the Village explored the opportunity of partnering with the Village of Algonquin to develop a joint firearms/range training outdoor facility. Due to cost estimates exceeding original projects and other issues, the project did not move forward. In 2013, the Police Department had initially researched purchasing an in-house basic, tubular, shooting range that was estimated to cost approximately \$500,000. In 2015, the need for a department shooting/training facility was identified as a priority by the Department’s Strategic Planning Committee. Since that time, there have been various discussions that have taken place and options reviewed amongst several law enforcement agencies in McHenry County. It was determined that the concept of a shared facility, which included a cost-sharing feature, appeared to be a viable option moving forward. A shared training facility/shooting range has the potential to provide an enhanced level of training as well as an opportunity to work collaboratively with various neighboring law enforcement agencies.

Financial Impact

Actual costs have not been determined at this time. The more agencies that participate the lower the costs would be for each contributing agency. Approval of the resolution does not obligate the Village to any future expenditures.

Chief Porter discussed several options that have been discussed, including a private individual who has offered the possibility of building a facility and donating it to the consortium.

Legal Analysis

The resolution authorizes staff to participate in the evaluation process, which would include identifying costs. A future intergovernmental agreement (IGA) would be required for participating agencies.

Approval of the resolution does not obligate the Village to entering into an IGA.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold asked how realistic the benefactor of donating the building is at this time. Chief Porter stated that this discussion just took place for the first time last week.

Trustee Piwko asked how many agencies would be included. Chief Porter stated that four agencies have already passed a similar resolution.

Trustee Goldman stated that it is a good idea to have these shared services. Trustee Goldman asked if Kane County would be included. Chief Porter stated that Kane County already has their own range.

There were no other comments or questions.

A MOTION was made to approve a Resolution in Support of Pursuing a McHenry County Consolidated Law Enforcement Training Facility.

MOTION: Trustee Kanakaris

SECOND: Trustee Hoeft

AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- i) Consideration – An Ordinance Approving Amendments to Chapter 156, entitled “Zoning Ordinance,” of Title XV, entitled “Land Usage” of the Huntley Code to provide for members of the Plan Commission to be appointed by the Village President and Board of Trustees to serve concurrently as members of the Zoning Board of Appeals

Village Manager David Johnson reported that the Plan Commission and Zoning Board of Appeals (“ZBA”) are currently two separate advisory bodies that each consist of seven appointed members. Presently, there are four vacancies on the ZBA. The ZBA typically meets two to three times a year. The Plan Commission has no vacancies and meets up to twenty-four times a year.

The Zoning Board of Appeals reviews and conducts public hearings for simplified residential zoning variations, appeals regarding Zoning Ordinance interpretations, and other matters as referred to it by the Board of Trustees. The Plan Commission reviews and conducts public hearings for special use permits, planned unit developments, site plans, plats of subdivision, amendments to the Zoning Ordinance, and other matters as referred to it by the Board of Trustees.

In light of the limited activity of the ZBA and the membership vacancies, the proposed amendments would modify the Zoning Ordinance to provide for members of the Plan Commission to concurrently serve as members of the Zoning Board of Appeals.

Staff Analysis

Section 156.202 of the Zoning Ordinance establishes a Zoning Board of Appeals for the Village and provides for, among other things, the ZBA to consist of seven members appointed by the President and Board of Trustees. Due to attrition, only three members currently serve on the ZBA, and the terms of all three current members have expired. In order to effectively staff the Plan Commission and ZBA with

resident members and facilitate a more efficient development review process, the proposed text amendments would provide for members of the Plan Commission to be appointed by the Village President and Board of Trustees to serve concurrently as members of the Zoning Board of Appeals.

The specific amendments to the Zoning Ordinance are as follows:

Section 156.202, entitled “Zoning Board of Appeals” of Article XVI, entitled “Zoning Administration and Enforcement,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is hereby amended in part as follows:

§ 156.202 ZONING BOARD OF APPEALS.

(A) *Established.*

(1) *Creation; Membership.* The Zoning Board of Appeals shall consist of ~~seven members appointed by the President and the Board of Trustees, voting jointly~~ **the seven members of the Plan Commission as appointed by the President and Board of Trustees pursuant to § 156.201.** All members shall be residents of the Village. The members appointed by the President and Board of Trustees shall serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years and until their successors have been appointed and qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the President, with the advice and consent of the Board of Trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five years and until a successor has been appointed and has qualified for office. **Notwithstanding the foregoing, as of September 26, 2019, the effective date of this amendatory provision, the term of each member of the Plan Commission serving jointly on the Zoning Board of Appeals shall be the term for which such member is appointed to the Plan Commission pursuant to § 156.201. The resignation or removal of any member serving concurrently on the Plan Commission and Zoning Board of Appeals shall be deemed a resignation or removal, as the case may be, from both such bodies.** A member shall be eligible for reappointment.

(2) *Chairperson and Vice Chairperson.* The President, with the advice and consent of the Board of Trustees, shall name one member of the Zoning Board of Appeals as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. **As of September 26, 2019, the effective date of this amendatory provision, the current Chairperson and Vice Chairperson of the Plan Commission shall be deemed to be appointed as Chairperson and Vice Chairperson, respectively, of the Zoning Board of Appeals.** The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson, or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Board of Appeals shall act as Chairperson and shall have all of the powers of the

Chairperson. The Vice Chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the Zoning Board of Appeals.

* * *

SECTION III: Section 156.201, entitled “Plan Commission” of Article XVI, entitled “Zoning Administration and Enforcement,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is hereby amended in part as follows:

(A) *Established.*

(1) *Creation; Membership.* The Plan Commission shall consist of seven members appointed by the President and the Board of Trustees, voting jointly. All commissioners shall be residents of the Village of Huntley. The members appointed by the President and Board of Trustees shall serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years and until their successors have been appointed and qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the President, with the advice and consent of the Board of Trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five years and until a successor has been appointed and has qualified for office. **During their term of office, the members of the Plan Commission shall serve concurrently as members of the Zoning Board of Appeals in accordance with § 156.202. The resignation or removal of any member serving concurrently on the Plan Commission and Zoning Board of Appeals shall be deemed a resignation or removal, as the case may be, from both such bodies.** A member shall be eligible for reappointment.

(3) *Chairperson and Vice Chairperson.* The President, with the advice and consent of the Board of Trustees, shall name one member of the Plan Commission as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. **The Chairperson and Vice Chairperson of the Plan Commission shall serve concurrently as Chairperson and Vice Chairperson, respectively, of the Zoning Board of Appeals.** The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson, or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Board of Appeals shall act as Chairperson and shall have all of the powers of the Chairperson. The Vice Chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the Plan Commission.

* * *

Plan Commission Action

The Plan Commission reviewed the proposed text amendments and held a public hearing on September 9, 2019, and, with no members of the public offering comments in favor or opposition to the amendments, recommended approval by a vote of 6 to 0.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies “Maintain and improve fast-track entitlement and permitting process” as an objective.

Legal Analysis

The Village’s special legal counsel has reviewed the ordinance.

Mayor Sass asked if the Village Board had any comments or questions.

Trustee Leopold asked if the number of Plan Commissioners could be increased. Village Manager Johnson stated that it could be discussed if the Village Board would prefer but would not be at this time.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Approving Amendments to Chapter 156, entitled “Zoning Ordinance,” of Title XV, entitled “Land Usage” of the Huntley Code to provide for members of the Plan Commission to be appointed by the Village President and Board of Trustees to serve concurrently as members of the Zoning Board of Appeals.

- MOTION:** Trustee Westberg
- SECOND:** Trustee Leopold
- AYES:** Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
- NAYS:** None
- ABSENT:** None
- The motion carried: 6-0-0**

- j) Consideration – An Ordinance Authorizing Execution of the Northern Illinois Purchasing Cooperative (“NIPC”) 2020 Intergovernmental Agreement for the Purchase of Power Supplies and Other Goods and Services; Waiving Local Bidding Requirements for Purchases Made through NIPC; and Authorizing Purchase Agreements Made through NIPC

Mayor Sass reported that the current IGA with NIPC will be expiring on January 30, 2020. The current members of this purchasing group include Algonquin, Genoa, Hampshire, Huntley, Johnsburg, Lake in the Hills, Lakewood, McHenry, Richmond, Woodstock and the Woodstock Fire & Rescue District.

Staff Analysis

This IGA has been used to combine the purchasing power of these bodies to reduce electric power purchase costs for governmental use. The group has agreed that the IGA has worked well in the past and therefore very few changes have been made to the agreement from 2014. One notable change will be the elimination of appointing World Energy for energy related services. The NIPC members all agreed that after six years of service from World Energy (and their successors and associates), it is appropriate due diligence for the group to undertake a new search through the RFP process for pricing and services for consultants to NIPC.

Financial Impact

Continuing to be part of this IGA with NIPC will assist in getting the best pricing for the Village for energy related services.

Legal Analysis

The Law Offices of Zukowski, Rogers, Flood & McArdle (law firm for the cooperative) have reviewed

the agreement and the ordinance.

Mayor Sass asked if the Village Board had any comments or questions; there were none.

A MOTION was made to approve an Ordinance Authorizing Execution of the Northern Illinois Purchasing Cooperative (“NIPC”) 2020 Intergovernmental Agreement for the Purchase of Power Supplies and Other Goods and Services; Waiving Local Bidding Requirements for Purchases Made through NIPC; and Authorizing Purchase Agreements Made through NIPC.

- MOTION:** Trustee Leopold
- SECOND:** Trustee Piwko
- AYES:** Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
- NAYS:** None
- ABSENT:** None
- The motion carried: 6-0-0**

- k) Consideration – A Resolution Approving a Contract with Comcast Business for Internet Service

Assistant Village Manager Lisa Armour reported that the contract with Comcast for internet services expires in September. Staff has worked with Comcast on a contract renewal which will improve service levels by extending fiber optic service to Village facilities currently not served by fiber. With a five-year contract, there would be no additional cost for the infrastructure buildout.

Staff Analysis

Comcast would replace the existing coaxial service line to the Fleet Garage at Donald Drive with a fiber optic line. Comcast would also extend fiber to the old village hall on Coral Street, which would provide internet service for the existing cameras downtown. This would result in the elimination of the current service with AT&T, which is \$150 per month, a savings of \$1,800. There is currently a fiber optic service to the Public Works and Engineering building on Bakley Street that is linked to the Municipal Building on Main Street. A second fiber optic line would be extended to the Bakley Street building. The second line would provide redundancy for both buildings, as service from one building to the other could originate at either building if needed.

Financial Impact

To secure the best pricing and the additional fiber optic buildout, a five-year contract is proposed for a total monthly amount of \$4,775 for the life of the contract. This is the current contract amount. There will also be a one-time installation fee of \$3,000, which would be offset by the annual savings of \$1,800 with the elimination of the AT& T service for the downtown camera system.

A MOTION was made to approve a Resolution Approving a Contract with Comcast Business for Internet Service.

- MOTION:** Trustee Piwko
- SECOND:** Trustee Leopold
- AYES:** Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg
- NAYS:** None
- ABSENT:** None
- The motion carried: 6-0-0**

VILLAGE ATTORNEY’S REPORT: None

VILLAGE MANAGER’S REPORT:

Trustee Westberg noted the cleanup of westbound Kreutzer Road and asked if that was to facilitate new striping; Village Manager Johnson noted that the gravel on the shoulder needed replacement and the wiring on the signs needed to be repaired.

VILLAGE PRESIDENT’S REPORT:

Mayor Sass asked Trustee Goldman to report on the McCOG meeting. Trustee Goldman stated that the meeting was held in Ringwood and the agenda included hearing about the history of Ringwood.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: None

POSSIBLE ACTION ON ANY CLOSED SESSION ITEM: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 8:15 p.m.

MOTION: Trustee Hoeft

SECOND: Trustee Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary