

**VILLAGE OF HUNTLEY
VILLAGE BOARD
October 10, 2019
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, October 10, 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, Director of Finance Cathy Haley, Human Resources Manager Chrissy Hoover, and Village Attorney John Cowlin.

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

PUBLIC COMMENTS: None

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Consideration – Approval of the August 22, 2019 Village Board, September 12, 2019 Village Board Meeting Minutes

Mayor Sass reported that Trustee Kanakaris was absent from the August 22, 2019 meeting and that everyone was in attendance for the September 12, 2019 meeting.

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

A MOTION was made to approve August 22, 2019 Village Board Meeting Minutes.

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

A MOTION was made to approve September 12, 2019 Village Board Meeting Minutes.

MOTION: Trustee Leopold
SECOND: Trustee Westberg
AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg

NAYS: None
ABSENT: None
The motion carried: 6-0-0

b) Consideration – Approval of the October 10, 2019 Bill List in the amount of \$112,360.67

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

A MOTION was made to approve the October 10, 2019 Bill List in the amount of \$112,360.67.

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 – A Resolution Approving a Temporary Off-Premise Sign Permit for Huntley High School National Honor Society and Buddies Club – Spooky Buddies Event, October 29, 2019

Mayor Sass reported that the Huntley High School Chapter of the National Honors Society (NHS) and the Buddies Club are seeking approval to place sixteen (16) signs in the rights-of-way to advertise the NHS and Buddies Club’s first Spooky Buddies Event to be held on Tuesday, October 29, 2019 from 5pm to 7pm at Huntley High School. The National Honors Society and Buddies Club have worked together to arrange for Huntley High School to be opened up on the evening of October 29th so that all the children in the District 158 community will be invited to trick or treat inside their classrooms, and to play Halloween themed games with Buddies Club Members. Additional activities for the event include crafting, a haunted maze (run by the girls and boys volleyball teams) and a bounce house.

Staff Analysis

The NHS and Buddies Club propose to post the signs on October 11th and remove them no later than October 30th. The signs will be 2’ by 3’ and are proposed to be placed at the following locations:

1. Southeast Corner of Route 47 and Main
2. Southwest Corner at Route 47 and Main
3. Northeast Corner at Route 47 and Main
4. In front of Huntley High School
5. In front of Huntley Library
6. In front of Village Hall
7. In front of Park District Building
8. In front of Stingray Bay Sign
9. Northwest Corner of Haligus and Algonquin
10. Northwest and Southwest Corner of Kreutzer and Haligus Roads
11. Ruth Road and Algonquin
12. Kreutzer and Route 47 (west side)
13. Kreutzer and Route 47 (east side)
14. Algonquin and Route 47
15. Harmony and Main
16. Reed and Haligus

Members of the Honors Society Buddies Club acknowledge that some sites may not be under the 10.10.19 VB Meeting

Village’s jurisdiction. If these sites are unacceptable, they request permission for other sites with the approval of the Village Manager. Additionally, no signs will be posted on private property without prior authorization of the property owner, no more than one (1) sign will be placed at any of the specified locations, and relief is required to locate the signs on Village rights-of-way.

The Village’s Sign Regulations allow off-premise signs provided they receive Village Board approval and adherence to certain standards and criteria. The below table details the criteria and the proposed signs:

Criteria	Proposed
Sign adjacent to and intended to be viewed from Route 47 only	Six of the proposed signs will be viewed from Route 47 and the others will be visible from other streets throughout the Village.
Prohibited within a residentially zoned property	Some of the property is zoned residential.
Maximum area of a sign face, whether a single sign face, two back-to-back, or a V-shaped type sign is 100 s.f.	The signs are 2’ x 3’ (6 square feet).
Maximum height is 15 feet above grade	The signs are approximately two (2’) feet high.
The location shall not obscure or interfere with an official traffic control device or railroad safety signal or sign, or obstruct or interfere with a driver’s view of approaching, merging or intersecting traffic for a distance of 500 feet	The 2’ x 3’ signs shall be installed so as not to obstruct a driver’s view of approaching, merging or intersecting traffic.

If approved, the request shall be subject to the following conditions:

1. A permit must be applied for and obtained from the Development Services Department.
2. The signs are to be removed no later than October 30, 2019.

Financial Impact

The temporary sign permit fees are waived by Section 156.115 of the Zoning Ordinance.

Mayor Sass reported that representative from the National Honor Society was in attendance to answer questions.

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

A MOTION was made to approve a Resolution for a Temporary Sign Permit for October 11, 2019 – October 30, 2019 for Off-Premise Signs for the Huntley High School National Honors Society and Buddies Club.

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

d) Consideration – An Ordinance Amending Title XI, Business Regulations, Chapter 110

Alcoholic Beverages, Section 110.23, to create a Class “L” Liquor License Classification

Mayor Sass reported that the Village of Huntley regulates the sale of alcoholic beverages through its Liquor Control Ordinance in Title XI, Business Regulations, Chapter 110 Alcoholic Beverages.

Staff Analysis

In January 2019, the Village Board approved a Special Use Permit for a Microbrewery and Site Plan Review for More Brewing Company, to operate a taproom/brew pub in the 25,302 s.f. building at 13980 Automall Drive. The renovated building includes 11,302 square feet dedicated for the production of beer and 14,000 square feet for a taproom/brew pub restaurant. The tap room/brew pub will include a full kitchen, special events area for private dining, and outdoor patio. The production side will be located in the area previously occupied by the service department and will include a brewhouse, fermentation and conditioning vessels and packaging line. There will also be a barrel room where beer will be aged in whiskey barrels prior to packaging.

Village Board approval was granted to More Brewing with the understanding that a liquor code amendment creating a new liquor license class would likely be required to accommodate the unique aspects associated with the production brewery and taproom/brew pub. Construction has been progressing throughout the year and More Brewing is now targeting an opening date by the end of the year. An amendment is proposed to Title XI, Business Regulations, Chapter 110 Alcoholic Beverages to create a new Class “L” liquor license to Village to modify the Village’s liquor control regulations to create a new annual liquor license classification authorizing the operation of a microbrewery, which is principally a retail establishment with the subordinate manufacture of malt beverages (brew pub), including the retail sale of beer manufactured on the licensed premises for on- and off-premises consumption, tasting of beer whether manufactured on the licensed premises or otherwise, and the sale of beer and other alcoholic liquors for on-premises consumption.

Financial Impact

An annual fee of \$1,500 is charged for a liquor license.

Legal Analysis

The Village’s Special Legal Counsel has reviewed the ordinance.

Mayor Sass reported that representatives from More Brewing were in attendance to answer questions.

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

Trustee Leopold asked what the difference between this business was and Sew Hop’d. Assistant Village Manager Armour reported the difference is the volume of alcohol produced plus the additional offering of other types of alcohol and food.

Trustee Westberg asked if this location would also be a distribution center too. Mr. Patel stated that their distribution center will be at another location.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Amending Title XI, Business Regulations, Chapter 110 Alcoholic Beverages creating Class “L” liquor license.

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

- e) Consideration – An Ordinance Amending Title XI, Business Regulations, Chapter 110– Alcoholic Beverages, Video Gaming & Electronic Sweepstakes Machines; Section 110.60, Video Gaming

Village Manager David Johnson reported that Public Act 101-0031 was signed into law on June 28, 2019. One of the provisions of the act increased the number of video gaming terminals allowed at licensed video gaming establishments from 5 to 6. Other provisions of the act regarding video gaming include:

- An increase of the maximum wager from \$2 to \$4
- An increase in maximum winnings, with the maximum cash award for the maximum wager increased from \$500 to \$1,199
- Progressive jackpot games were authorized; The maximum jackpot is \$10,000
- The tax imposed on net terminal income was increased from 30% to 33% beginning July 1, 2019, and to 34% beginning July 1, 2020.

There are currently 66 active video gaming terminals in 14 businesses:

1. BBQ King Smokehouse - 5 machines
2. Bowl Hi - 5 machines
3. Huntley Legion Home - 5 machines
4. Lucky Bernie's - 5 machines
5. Millie's, LLC - 5 machines
6. Offie's Tap - 5 machines
7. Parkside - 3 machines
8. Pub 47 - 5 machines
9. Rookies - 5 machines
10. Sal's Pizza - 3 machines
11. Sammy's - 5 machines
12. Soula's Village Inn - 5 machines
13. Tee 2 Green - 5 machines
14. Tufano's Pizza – 5 machines
15. Goodfella's – 5 machines - *pending*

Staff Analysis

Village code currently allows up to 5 terminals per licensed establishment. Staff has received a request from the American Legion and inquiries from several other businesses to add a sixth machine. An amendment is required to the Village Code to allow up to 6 terminals. All other requirements associated with screening and restricted access to the terminals to those 21 and over would remain in place.

Financial Impact

Any business adding another terminal prior to the end of the year would be required to pay the \$500

terminal fee.

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

A MOTION was made approving an Ordinance Amending Title XI, Business Regulations, Title XI, Business Regulations, Chapter 110– Alcoholic Beverages, Video Gaming & Electronic Sweepstakes Machines; Section 110.60, Video Gaming.

MOTION: Trustee Kanakaris

SECOND: Trustee Goldman

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- f) Consideration – Approval of a Resolution Regarding Regulation and Zoning of Adult-Use Cannabis Businesses and Referral to the Plan Commission

Village Manager David Johnson reviewed a Power Point presentation and reported that on September 26, 2019, the Village Board reviewed the Cannabis Regulation and Tax Act (Public Act 101-0027) 410 ILCS 705/1 *et seq.* recently signed into law. The 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) 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.

Per the Board’s discussion, Staff was directed to present a resolution for consideration to direct the Plan Commission to hold a public hearing on the questions of whether: (i) the Zoning Code should be amended to include one or more categories of Cannabis Business as permitted or special uses in the Village’s various zoning districts; and (ii) the Zoning Code should be amended to establish other Cannabis Business Regulations that may be necessary, important, or beneficial to the Village and its residents consistent with the Act.

Staff Analysis

The Cannabis Businesses outlined below will be exclusively licensed by the State. The Village Board should give direction to the Plan Commission regarding which businesses may be acceptable to allow within the Village.

- 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. *Another item for consideration is whether or not to allow on-site consumption of Adult Use Cannabis at or in a cannabis business establishment.*
- 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.

Financial Impact

A Cannabis Retailers' Occupation Tax at a maximum rate of 3% of gross receipts from Adult-Use Cannabis sales may be implemented and would be considered at a later date if the Village Board moves forward with permitting a dispensary.

Legal Analysis

The attached resolution was prepared by the Village's special legal counsel. The resolution refers the matter to the Plan Commission to consider appropriate zoning regulations for Cannabis Businesses. Adoption of the resolution puts 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 within certain 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.

The Plan Commission would conduct a public hearing on a text amendment to the Village's Zoning Code and make a recommendation to the Village Board regarding Cannabis Businesses.

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

Trustee Westberg stated that he would support this with sign restrictions.

Trustee Goldman stated that she would support allowing only one (1) so it can be monitored.

Trustee Kanakaris asked if this would allow a medical dispensary; Village Manager Johnson stated that

medical dispensaries are allowed by the State and the Village can amend its ordinance to allow them. Trustee Kanakaris stated that he would support a medical dispensary.

Trustee Leopold stated that if the Village Board sends this on to the Plan Commission it implies approval by the Village Board.

A MOTION was made to not allow any form of a cannabis business within the Village Limits.

MOTION: Trustee Leopold

SECOND: Trustee Hoeft

AYES: Trustees: Hoeft, Leopold, and Piwko

NAYS: Trustees: Goldman, Kanakaris, Westberg, Mayor Sass

ABSENT: None

The motion failed: 3-4-0

Seeking to provide direction to the Plan Commission, the following questions were asked:

A consensus was taken regarding: Dispensaries, where Adult-Use Cannabis is sold to consumers at retail:

Yes: Trustees: Goldman, Kanakaris, Westberg, and Mayor Sass

No: Trustees: Hoeft, Leopold, and Piwko

A consensus was taken regarding On-Site Consumption at a Dispensaries:

Yes: Trustee Kanakaris

No: Trustees: Goldman, Hoeft, Leopold, Piwko, and Westberg

A consensus was taken regarding: Cultivation centers (full enclosed growing facilities with up to 210,000 square feet of canopy space for plants in the flowering state):

Yes: Trustees: Hoeft and Kanakaris

No: Trustees: Goldman, Leopold, Piwko, and Westberg

A consensus was taken regarding Craft Growers (fully enclosed growing facilities with up to 5,000 square feet of canopy space for plants in the flowering state):

Yes: None

No: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko, and Westberg

A consensus was taken regarding Infusers and processing organizations:

Yes: None

No: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko, and Westberg

A consensus was taken regarding Transportation organizations/transporters (businesses that transport cannabis in motor vehicles between other licensed Cannabis Businesses)

Yes: Trustee Kanakaris

No: Trustees: Goldman, Hoeft, Leopold, Piwko, and Westberg

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

Trustee Piwko stated that if it does move forward it should follow the Vaping and Tobacco zoning regulations.

A MOTION was made to approve a Resolution Regarding Regulation and Zoning of Adult-Use Cannabis Businesses and Referral to the Plan Commission.

MOTION: Trustee Kanakaris

SECOND: Trustee Westberg

AYES: Trustees: Goldman, Kanakaris, Westberg, Mayor Sass

NAYS: Trustees: Hoeft, Leopold, and Piwko

ABSENT: None

The motion carried: 4-3-0

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT:

Village Manager Johnson reported that information regarding the Catty property was distributed prior to the meeting and asked that the Village Board review the proposals and let staff know if there are questions. Staff will follow up with the next steps.

Village Manager Johnson stated that the Board also receive the Village's response to the HIPs Motion and noted the next court date is October 17th at 10:00am.

VILLAGE PRESIDENT'S REPORT: None

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 7:24 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary