

**VILLAGE OF HUNTLEY
VILLAGE BOARD
January 23, 2020
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, January 23, 2020 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 Public Works and Engineering Timothy Farrell, and Village Attorney John Cowlin.

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

ADMINISTRATION OF THE OATH OF OFFICE: Sergeant Charles McGrath

Chief Robert Porter presented Sgt. McGrath's educational, military and Huntley Police background.

Village Clerk Rita McMahan administered the Oath of Office.

Sgt. McGrath's wife Maggie pinned on the Sergeant's badge.

Sgt. McGrath thanked the Village Board, Staff, Co-workers and Family. Sgt. McGrath spoke encouraging words for other officers and stated that he was proud to wear the badge.

PUBLIC COMMENTS:

Gary Ferguson, 11709 Woodcreek Drive, said a prayer for the Village, Board, Staff, Police Department, Fire District and the Country.

Geri Levine, 12856 Timber Creek Drive, stated that as a nurse, she believed here are medical benefits of cannabis and asked that a facility be allowed to be located within the Village limits.

Barbara Jenkins, 13124 Illinois, registered to speak but gave her time to Lisa Arvanites who was not registered to speak.

Lisa Arvanites, 11409 Reed Road, stated that the Village Board are elected official representing the interest of all the people and to do this the Board should use critical thinking. Ms. Arvanites explained the Federal and State rulings on Adult Use Cannabis. Ms. Arvanites stated that if the Village Board

rules against Adult-Use Cannabis dispensaries then she would like to hear the Board's well thought out reasoning made in opposition to exact articles in the Cannabis Act. Ms. Arvanites stated that if the Board cannot do this then there is no reason to oppose Medical and Recreational Cannabis dispensaries. Ms. Arvanites also listed the surrounding municipalities that have approved dispensaries: Carpentersville, Crystal Lake, East Dundee, Harvard, Marengo, McHenry, South Elgin, St. Charles, West Dundee, and Woodstock.

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Consideration – Approval of the January 9, 2020 Village Board Meeting Minutes

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 January 9, 2020 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 January 23, 2020 Bill List in the amount of \$779,315.74

Mayor Sass reported that \$509,836.52 of the bill list expenditures is from the FY19 Budget and the remaining \$269,479.22 is from the FY20 Budget. \$497,283.73(or 63.9%) of the total bill list is attributable to the payment of development impact fees to other taxing bodies (\$105,061.00), the payment of Sales Tax Rebate to Huntley Tax Holdings, LLC (\$176,587.33) and the Final Payout to Mauro Sewer Construction Inc. for the 2019 Water Main Replacement Program (\$215,635.40).

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

A MOTION was made to approve the January 23, 2020 Bill List in the amount of \$779,315.74.

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

- c) Consideration – Ordinance Amending Chapter 156 of the Huntley Village Code Regarding Zoning Regulations for Medical Cannabis Facilities Operating in Accordance with the Illinois Compassionate Use of Medical Cannabis Program Act, 430 ILCS 130/1 *et seq.*

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that medical cannabis businesses are regulated under the Compassionate Use of Medical Cannabis Program Act (the “Act”) and consist of two types of businesses: dispensaries and cultivation centers. As
01.23.20 VB Meeting

with Adult-Use Cannabis, Medical Cannabis businesses are exclusively licensed by the state, and the statute and state regulatory process largely govern the manner in which the businesses operate. Home rule power is preempted except for authority to enact “reasonable zoning ordinances” that do not conflict with the state Act (410 ILCS 130/140).

Differences between medical and recreational (Adult-Use) Cannabis relevant to the zoning process include:

- No local prohibition option for medical cannabis. A local government “may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis” as authorized by state law (410 ILCS 130/140). Accordingly, the Village cannot simply prohibit medical cannabis dispensaries or cultivation centers, and it cannot enact zoning regulations that are unreasonably restrictive such that they would effectively prohibit these uses.
- No local cap on the number of businesses. Unlike with Adult-Use Cannabis, the Medical Cannabis Act does not authorize a municipality to cap the number of dispensaries or cultivation centers within their jurisdiction.
- Buffer requirements. The Act specifies buffer requirements for Medical Cannabis cultivation centers (2,500 feet from the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part-day child care facility, or an area zoned for residential use). When it was originally adopted, the Act also specified buffer requirements for dispensaries, but a recent amendment states that those requirements “shall not apply to any dispensing organizations registered on or after July 1, 2019.” Although (unlike the Adult-Use Cannabis statute) the Act does not expressly authorize local governments to impose buffer requirements, it is reasonable to conclude that buffers could be part of a municipality’s “reasonable zoning ordinances” in the absence of a state requirement, provided that the buffers do not unreasonably limit the sites available.
- On-Premises Consumption. Unlike the Adult-Use Cannabis statute, the Medical Cannabis Act does not address on-premises consumption of cannabis within a medical dispensary or local authority to regulate such activities. Similar to buffer requirements, a prohibition of on-premises consumption would be justified as a reasonable zoning regulation in the absence of a state law requirement.

The Village’s Special Counsel has prepared a memorandum, dated December 5, 2019, providing a further explanation of the Act. Special Counsel will be in attendance at the Village Board meeting to answer questions on the subject.

Staff Analysis

To maintain consistency with the proposed Adult-Use Cannabis dispensary regulations (which will be considered in as a separate agenda item), a Medical Cannabis dispensary is also proposed as a special use in the “C-2” Regional Retail Zoning District. The additional standards for Medical Cannabis dispensaries are also the same terms as proposed for Adult-Use Cannabis dispensaries, except that the numerical limit of one dispensary cannot not apply.

The Compassionate Use of Medical Cannabis Program Act does not allow a municipality to prohibit a Medical Cannabis cultivation center; thus, a Medical Cannabis cultivation center has been proposed as a special use in the “M” Manufacturing Zoning District. The Act prohibits a medical cultivation center

from locating within 2,500 feet (0.47 miles) of pre-existing schools, daycare facilities, and areas zoned for residential use, which significantly limits possible locations in the Village. The only “M” Manufacturing zoned property that meets the 2,500 foot buffer requirement is located south of Interstate 90, west of Route 47.

Proposed Zoning Code Amendments

The following is the proposed Zoning Code amendment in its entirety:

Section 156.011, entitled “Definitions” of Article II, entitled “Interpretations and Definitions,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part to add the following new definitions:

“Medical Cannabis Cultivation Center” means a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide registered Medical Cannabis dispensing organizations with usable Medical Cannabis.

“Medical Cannabis Dispensary” means a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire Medical Cannabis from a registered Medical Cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

SECTION III. Section 156.061, entitled “(C-2) Regional Retail District” of Article VI, entitled “Planned Development District,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part as follows:

§ 156.061 (C-2) REGIONAL RETAIL DISTRICT

* * *

(B) *Uses.*

* * *

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the C-2 District:

* * *

RETAIL SALES – Furniture sales (used), Outdoor sales & service, Secondhand store, Medical cannabis dispensary.

* * *

SECTION IV. Section 156.045, entitled “(M) Manufacturing District” of Article V, entitled “Business and Non-Residential Districts,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part as follows:

§ 156.045 (M) MANUFACTURING DISTRICT

* * *

(B) *Uses.*

* * *

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the M District:

AGRICULTURAL BUSINESS - Kennel/boarding, Poultry hatchery, Veterinary Hospital, Wind Energy Systems (large or small), Medical Cannabis cultivation center.

SECTION V. Section 156.068, entitled “Special Use Permits” of Article VII, entitled “Special Use Permits,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part as follows:

- (F) *Special Standards for Specified Special Uses.* Where the district regulations authorizing any special use permit in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

* * *

(10) Medical Cannabis Cultivation Centers.

a. Location Restrictions

- (i) No Medical Cannabis cultivation center shall be established, maintained or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part-day child care facility, or an area zoned for residential use.
- (ii) Medical Cannabis cultivation centers shall not be established on multiple-use or multiple-tenant property or on a property that shares parking with other users.

b. Manufacture and Production Standards

- (i) Unless otherwise stated herein or provided by state law, the Medical Cannabis cultivation center shall conform to all Village rules, regulations and ordinances.
- (ii) All Medical Cannabis cultivation centers shall comply with the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., (“Medical Cannabis Act”) and all rules and regulations adopted in accordance therewith.

- (iii) Parking areas shall be well lit and monitored by video surveillance equipment in accordance with the Medical Cannabis Act and State regulations.
- c. Setbacks/Lot Area/Bulk Regulations. A Medical Cannabis cultivation center shall conform to the setback, lot area, and bulk regulations applicable to the zoning district in which the Medical Cannabis cultivation center is located.
- d. Signage
 - (i) Other than signage expressly required by State law, all signage for a Medical Cannabis cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, which can only include the center's address, not to exceed two square feet in area; such signs shall not be directly illuminated.
 - (ii) Electronic changeable copy signs and temporary signs are not permitted in connection with a Medical Cannabis cultivation center.
- e. Age and Access Limitations. Cultivation centers shall not employ anyone under the age of twenty-one (21). Access shall be limited exclusively to Medical Cannabis cultivation center staff and local and state officials and those specifically authorized under the Medical Cannabis Act and State regulations.
- f. Security and Video Surveillance
 - (i) The Medical Cannabis cultivation center shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance, and alarms that comply with the Medical Cannabis Act and State regulations. The facility shall be enclosed by a high security fence. The fence must be adequately secure to prevent unauthorized entry and include gates connected into an access control system.
 - (ii) The Medical Cannabis cultivation center parking area, cultivation, production, warehousing areas, and shipping bays and entrance shall be monitored by video surveillance equipment that complies with the Medical Cannabis Act and State regulations. The operator shall promptly make such records available to the Huntley Police Department upon request.
 - (iii) Loading of all Medical Cannabis products shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.
 - (iv) A Medical Cannabis cultivation center is subject to inspection by the Huntley Police Department and/or Huntley Development Services Department at any time during regular business hours.

- g. Noxious Odors. All Medical Cannabis cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties, and, if necessary, the facility shall be ventilated with a system for odor control.
- h. Conduct on Site
 - (i) Retail sales of Medical Cannabis or Medical Cannabis infused products are strictly prohibited at Medical Cannabis cultivation centers.
 - (ii) It shall be unlawful for a Medical Cannabis cultivation center to cultivate, manufacture, process, package, or sell any product other than useable cannabis and cannabis-infused products intended for human consumption in accordance with the Medical Cannabis Act.
- i. Interpretation. The provisions of this Subsection 156.068(F)(10) are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act and State regulations promulgated thereunder.

(11) Medical Cannabis Dispensaries

- a. Minimum required buffer from protected uses:
 - i. A Medical Cannabis dispensary may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (ii) A Medical Cannabis dispensary may not be located within 1,000 feet of the property line of an existing religious establishment, park district property, or library.
 - (iii) A Medical Cannabis dispensary may not be located within 250 feet of residentially zoned property except when separated by a State highway.
 - (iv) For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable Medical Cannabis dispensary is located to the nearest point on a property line of any protected use.
 - (v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
<u>Schools</u>	<u>1,000 feet</u>
<u>Daycare</u>	<u>1,000 feet</u>
<u>Religious Establishment</u>	<u>1,000 feet</u>
<u>Residentially zoned property*</u>	<u>250 feet</u>
<u>Park District Property</u>	<u>1,000 feet</u>

*Except when separated by a State highway.

- b. A Medical Cannabis dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Medical Cannabis Act; provided, however, that if the Medical Cannabis dispensary is also a licensed Adult-Use Cannabis Dispensary, then it may conduct sales or distribution of cannabis in accordance with the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq. and the regulations of this Chapter that apply to Adult-Use Cannabis Dispensaries.
- c. Exterior Display: A Medical Cannabis dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- d. Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.
- e. Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
- f. Signage: Electronic changeable copy signs are not permitted for a Medical Cannabis dispensary. No cannabis leaf or bud image may be used in promotional signage for a Medical Cannabis dispensary.
- g. State Requirements: The Medical Cannabis dispensary must comply with all applicable provisions of the Medical Cannabis Act as may be revised or amended from time to time.
- h. All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the Village of Huntley.
- i. On-Premises Consumption: It shall be prohibited to consume cannabis products in a Medical Cannabis dispensary or anywhere on the site occupied by a Medical Cannabis dispensary.
- j. Other Cannabis Businesses Prohibited. Adult-Use Cannabis craft growers, cultivation centers, infusers, processors, and transporter organizations shall not be permitted to be co-located with a medical cannabis dispensary.
- k. Interpretation. The provisions of this Subsection 156.068(F)(11) are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act and State regulations promulgated thereunder.

On December 9, 2019, the Plan Commission conducted a public hearing to consider regulations for cannabis businesses operating in accordance with the Illinois Compassionate Use of Medical Cannabis Program Act. There were no members of the public that requested to testify at the hearing. The Plan Commission recommended unanimously by a vote of 7-0 to approve the proposed amendments as drafted.

The December 9, 2019, Plan Commission meeting minutes are provided as an exhibit to this report.

Financial Impact

The Cannabis Retailers' Occupation Tax is not applicable to Medical Cannabis; therefore, the Village cannot collect a tax on the sale of Medical Cannabis.

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

Trustee Leopold asked for confirmation that the amendment was for Medical Cannabis Facilities only and that the Village has no authority to deny this; Director Nordman stated that was correct.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Amending Chapter 156 of the Huntley Village Code Regarding Zoning Regulations for Medical Cannabis Facilities Operating in Accordance with the Illinois Compassionate Use of Medical Cannabis Program Act, 430 ILCS 130/1 *et seq.*

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 – Ordinance Amending Chapter 156 of the Huntley Village Code Regarding Zoning Regulations for Adult-Use Cannabis Business Establishments Operating in Accordance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 *et seq.* 1221

Village Manager David Johnson reported that the Cannabis Regulation and Tax Act (Public Act 101-0027) 410 ILCS 705/1 *et seq.* signed into law in 2019 permits (subject to various limitations and restrictions) the production, sale, possession, and use of recreational Adult-Use cannabis and cannabis-containing products under Illinois law beginning on January 1, 2020. The 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 are defined by the State as follows:

- 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.

The Cannabis Regulation and Tax Act (the “Act”) authorizes municipalities to prohibit Cannabis Businesses within their boundaries and, if Cannabis Businesses are allowed, authorizes municipalities to exercise zoning authority and certain other regulatory powers.

The Village’s Special Counsel has prepared a memorandum, dated November 4, 2019, providing a further explanation of the Act and the issues for review. Special Counsel will be in attendance at the Village Board meeting to answer questions on the subject.

Staff Analysis

On October 10, 2019, the Village Board approved Resolution (R)2019-10.61 by a vote of 4-3 directing the Plan Commission to hold a public hearing on the questions of whether:

- (i) the Zoning Code should be amended to allow one, Adult-Use Cannabis Business dispensary, without on-site consumption, as a permitted or special use 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.

The resolution directed the Plan Commission to make a recommendation to the Village Board regarding the above subjects, along with any other conditions that should be attached to the zoning of Adult-Use Cannabis Businesses.

The resolution was a result of discussion and direction of the Village Board to provide the Plan Commission with the following direction for amending the Zoning Code:

- Allow Adult-Use Cannabis Dispensaries only.
- Prohibit Cultivation Centers, Craft Growers, Infusers and Processing organizations, and Transportation organizations/transporters.
- Prohibit the on-site consumption of cannabis.

Additional considerations discussed were to allow only one Adult-Use cannabis dispensary within the Village and to follow the zoning regulations applicable to Tobacco and Vape Shops. Tobacco and Vape Shops are allowed only in the “C-2” Regional Retail zoning district and they must be no less than 1,000 feet from a building used as a school, childcare facility, or for the education or recreation of children under 18 years of age.

The proposed amendments were prepared based on the direction provided by the Village Board.

Proposed Zoning Code Amendments

The proposed Zoning Code amendments would allow a maximum of one Adult-Use cannabis dispensary as a special use in the “C-2” Regional Retail Zoning District. All other cannabis businesses would be prohibited (craft growers, cultivation centers, infusers, processors, and transporter organizations). The proposed amendments also prohibit the on-premise of consumption of cannabis products at an Adult-Use cannabis dispensary.

Furthermore, the proposed amendments prohibit an Adult-Use cannabis dispensary from locating within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, religious establishment, park district property, or library. Nor could an Adult-Use cannabis dispensary be located within 250 feet of residentially zoned property except when separated by a State highway.

The proposed amendments also provide signage restrictions and prohibit cannabis products or paraphernalia displays from being visible from outside of the cannabis dispensing organization.

The following is the proposed Zoning Code amendment in its entirety:

Section 156.011, entitled “Definitions” of Article II, entitled “Interpretations and Definitions,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part to add the following new definitions:

CANNABIS BUSINESS ESTABLISHMENT: An Adult-Use cannabis craft grower, cultivation center, dispensary, infuser, processing, or transporter organization operating pursuant to the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq., as it may be amended from time-to-time.

CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “craft grower” to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “cultivation center” to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS DISPENSARY: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation as a “dispensing organization” to acquire adult-use cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to qualified purchasers per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as an “infusing organization” or “infuser” to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “processing organization” or “processor” to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture as a “transporting organization” or “transporter” to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (410 ILCS 705/1 et seq), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS-INFUSED PRODUCT: Food, oils, ointments, or other products containing usable cannabis that are not smoked.

Section 156.061, entitled “(C-2) Regional Retail District” of Article VI, entitled “Planned Development District,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part as follows:

§ 156.061 (C-2) REGIONAL RETAIL DISTRICT

* * *

(B) *Uses.*

* * *

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the C-2 District:

* * *

RETAIL SALES – Furniture sales (used), Outdoor sales & service,
Secondhand store, Adult-Use cannabis dispensary.

* * *

Section 156.068, entitled “Special Use Permits” of Article VII, entitled “Special Use Permits,” of Chapter 156, entitled “Zoning Code,” of Title XV, entitled “Land Usage” of the Huntley Code is proposed to be amended in part as follows:

- (F) *Special Standards for Specified Special Uses.* Where the district regulations authorizing any special use permit in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

* * *

(9) Adult-Use Cannabis Dispensaries.

- a. Maximum Number of Cannabis Dispensaries: Not more than one adult-use cannabis dispensary (a “Cannabis Dispensary”) shall be permitted to operate within the Village of Huntley at any given time.

- b. Minimum required buffer from protected uses:

(i) A Cannabis Dispensary may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(ii) A Cannabis Dispensary may not be located within 1,000 feet of the property line of an existing religious establishment, park district property, or library.

(iii) A Cannabis Dispensary may not be located within 250 feet of residentially zoned property except when separated by a State highway.

(iv) For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable Cannabis Dispensary is located to the nearest point on a property line of any protected use.

- (v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
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<u>Schools</u>	<u>1,000 feet</u>
<u>Daycare</u>	<u>1,000 feet</u>
<u>Religious Establishment</u>	<u>1,000 feet</u>
<u>Residentially zoned property*</u>	<u>250 feet</u>
<u>Park District Property</u>	<u>1,000 feet</u>
<u>Library</u>	<u>1,000 feet</u>

*Except when separated by a State highway.

- c. A Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. Exterior Display: A Cannabis Dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- e. Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.
- f. Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
- g. Signage: Electronic changeable copy signs are not permitted for a Cannabis Dispensary. No cannabis leaf or bud image may be used in promotional signage for the Dispensary.
- h. State Requirements: The Cannabis Dispensary must comply with all applicable provisions of the Cannabis Regulation and Tax Act, 410 ILCS 705/1 et seq., as may be revised or amended from time to time.
- i. All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the Village of Huntley.
- j. On-Premises Consumption: It shall be prohibited to consume cannabis products in a Cannabis Dispensary or anywhere on the site occupied by a dispensary.
- k. Other Adult-Use Cannabis Businesses Prohibited. Adult-use cannabis craft growers, cultivation centers, infusers, processors, and transporter organizations shall not be permitted to be co-located with a Cannabis Dispensary. Any cannabis business establishment other than a Cannabis

Dispensary operating pursuant to a special use permit and in accordance with this Code shall be prohibited in all zoning districts.

* * *

Plan Commission Recommendation

On November 12, 2019, the Plan Commission conducted a public hearing to consider cannabis business regulations. The public hearing was attended by approximately 26 residents of which five provided testimony. Of the testimony provided, four spoke in opposition to allowing the sale of Adult-Use cannabis within the Village and one spoke in support of allowing it. Following the consideration of public testimony and extensive discussion, the Plan Commission recommended unanimously by a vote of 7-0 to approve the proposed amendments as drafted.

The November 12, 2019, Plan Commission meeting minutes are provided as an exhibit to this report.

Financial Impact

A Cannabis Retailers' Occupation Tax, at a maximum rate of 3%, may be collected by the Village on the sales at Cannabis Dispensaries.

Village Manager Johnson reported that Special Counsel was in attendance to answer questions.

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

Trustee Piwko reported that news reports have stated that Emergency Room visits have gone up 6% since the beginning of the year attributed to first time smokers/users overdosing as well as the possibility of pets getting sick.

A MOTION was made to approve an Ordinance Amending Chapter 156 of the Huntley Village Code Regarding Zoning Regulations for Adult-Use Cannabis Business Establishments Operating in Accordance with the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq. 1221.

MOTION: Trustee Leopold

SECOND: Trustee Hoeft

AYES: None

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

ABSENT: None

The motion failed: 0-6-0

- e) Consideration – Ordinance Approving an Amendment to Title XI of the Huntley Village Code to Prohibit Adult-Use Cannabis Businesses within the Village of Huntley

Village Manager David Johnson reported that the Cannabis Regulation and Tax Act (the "Act") authorizes municipalities to prohibit Cannabis Businesses within their boundaries. The proposed ordinance to prohibit Cannabis Businesses within the Village has been prepared should the Village Board not adopt the text amendments to the Village's Zoning Code regarding Adult-Use cannabis business establishments.

The adoption of an ordinance prohibiting cannabis business establishments protects the Village from a petitioner arguing that such a use falls within more general categories that are allowable under the Village's existing zoning regulations. For example, a craft grower or cultivation center might assert that it is an allowable agricultural use, like a commercial nursery or greenhouse; a dispensary might assert

that it is an allowable retail use, similar to a drug store, liquor store, or tobacco store.

Legal Analysis

The Village’s Special Counsel has drafted the proposed ordinance for consideration by the Village Board.

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

Trustee Leopold stated that he wanted to quote facts from Family Institute research:

- Michigan and Oklahoma voted to allow it and they were both sued by their constituents that they didn’t do due diligence so Michigan revisited it and only about 400 of the 1700 cities were in favor.
- A study in Colorado noted that crime was up particularly robberies of dispensaries
- Towns around Huntley that are not allowing Adult Use Facilities: Algonquin, Naperville, Arlington Heights
- In 2016, California allowed recreational marijuana and today only 1 in 7 cities in the State continue to allow recreational use. Because of the taxation, they have driven it to illegal sales.

Trustee Leopold stated that recreational cannabis does not fit with the family values of the Village of Huntley.

A MOTION was made to approve an Ordinance Approving an Amendment to Title XI of the Huntley Village Code to Prohibit Adult-Use Cannabis Businesses within the Village of Huntley.

MOTION: Trustee Piwko

SECOND: Trustee Hoeft

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- f) Consideration – Ordinance Amending Sections 120.17 and 130.25 of the Huntley Village Code Regarding Cannabis Paraphernalia

Assistant Village Manager Lisa Armour reported that the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., (the “Act”) was approved by the General Assembly and signed into law on June 25, 2019. As of January 1, 2020, the Act permits personal possession and use of cannabis, cannabis-containing products, and cannabis paraphernalia by individuals 21 years of age and older in accordance with the requirements of the Act. Recently, the General Assembly approved a “trailer bill” (Public Act 101-593) that took effect on December 4, 2019 and makes various changes and clarifications to the Act and related statutes. Changes in the recent trailer bill include: (i) amending the Drug Paraphernalia Control Act to eliminate criminal penalties for possession of cannabis paraphernalia; (ii) amending the Cannabis Regulation and Tax Act to provide that it shall not be a criminal or civil offense for a person 21 years of age or older to possess or use cannabis paraphernalia after January 1, 2020; and (iii) amending the Compassionate Use of Medical Cannabis Program Act to eliminate restrictions on possession and use of cannabis paraphernalia by patients and to allow registered medical cannabis patients age 18 and over to smoke or vape cannabis.

Staff Analysis

In light of the changes in the trailer bill, an amendment is proposed to Section 130.25 of the Village Code to add language prohibiting underage possession of cannabis paraphernalia. Underage possession would include possession of paraphernalia by anyone under age 21, other than a registered medical cannabis patient. For a registered patient, smoking- or vaping-related paraphernalia could be prohibited for anyone under age 18. The trailer bill also includes a definition of “cannabis paraphernalia” that would be incorporated into the Village Code.

Section 120.17 of the Village Code should also be amended, as it makes it unlawful for “any person” to sell the following items of smoking-related paraphernalia:

- a. Water pipes;
- b. Bongs or water bongs;
- c. Electric pipes;
- d. Carburetion tubes and devices;
- e. Carburetor pipes;
- f. Chillums; and
- g. Ice pipes or chillers;

State law now provides for the sale of cannabis paraphernalia, as defined in §130.25 of the Code, by a licensed cannabis dispensary or medical cannabis dispensary or a qualified employee thereof. The amendment to Section 120.17 of the Village Code clarifies that it does not prohibit the sale of cannabis paraphernalia at State-licensed cannabis dispensaries.

Legal Analysis

The draft ordinance was prepared by the Village Attorney.

Assistant Village Manager Armour stated that Chief Porter and Special Counsel were in attendance to answer questions.

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

Trustee Westberg asked if tobacco stores were allowed to sell cannabis paraphernalia. Assistant Manager Armour stated that the sale of paraphernalia would only be permitted at Medical Marijuana Facilities.

Trustee Leopold asked for clarification that voting yes would prohibit the sale of cannabis paraphernalia. Assistant Manager Armour stated that the amendment would reflect the State Code that paraphernalia could only be sold at Medical Cannabis Facilities.

Trustee Kanakaris asked about the fines involved. Chief Porter stated that fines would be consistent with what is currently on the books. Chief Porter stated that if an under-aged person was caught with paraphernalia they would receive an Ordinance violation as what has been done in the past.

A MOTION was made to approve an Ordinance Amending Sections 120.17 and 130.25 of the Huntley Village Code Regarding Cannabis Paraphernalia.

- 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

- g) Consideration – Resolution Approving the Year 2 and Year 3 Bid Extension to AB Sanchez, Inc. for the Entryway Area and Ornamental Bed Beautification Services

Director of Public Works and Engineering Timothy Farrell reported that the Village of Huntley maintains the grounds at the entryway sign locations, downtown, Wing Pointe entryway at Haligus and Huntley Dundee Roads, Southwind entryway at Reed Road and Cambridge Drive, all four corners at the intersection of Main Street and IL Route 47 and the planting beds at Municipal Complex. These areas can be characterized as small tracts generally with mulch and flower beds with seasonal decorating that require hand work and frequent attention. To accomplish all the necessary work to the standard and consistency the Village has come to expect, the Village has contracted this work out over the last several years.

On Thursday, February 14, 2019 the Village received bids from three (3) contractors for the Entryway Area and Ornamental Bed Beautification Services contract. The bid documents required a Base Bid and a Mandatory Alternate Bid for each of three consecutive years beginning in 2019. The Base Bid landscape maintenance activities consist of litter and debris pick-up, turf mowing, weed control and fertilizing in the identified areas. The Alternate Bid landscape maintenance activities consist of aeration in the downtown square.

Staff Analysis

On Thursday, March 14, 2019, the Village Board approved the Year 1 Bid award for the Entryway Area and Ornamental Bed Beautification Services to AB Sanchez, Inc. in the total Bid amount of \$45,030.00. Based on acceptable performance for the Year 1 services, all is in order for consideration to approve the Year 2 and Year 3 Bid extension to AB Sanchez, Inc.

The contract may be cancelled by the Village in whole or in part by written notice to the Contractor upon non-performance or violation of contract terms. The Village of Huntley reserves the right to terminate the service at any time during the term of the contract upon ten (10) business days written notice to the Contractor. Failure of the Contractor to deliver services within the time stipulated, unless extended in writing by the Village, shall constitute contract default.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies *Promote Sound Financial Management and Fiscal Sustainability* as a Strategic Priority, and “Enhance asset management program to sustain level of service at economical life cycle cost” as an objective.

Financial Impact

The FY20 Budget includes \$150,000 in the Facilities & Grounds Maintenance Fund, 410-00-00-6179, \$45,710 of which is earmarked for the Year 2 work identified under this contract. The FY21 Budget will be presented with funding for the Year 3 work.

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

A motion by the Village Board for a Resolution Approving the Year 2 and Year 3 Bid Extension to AB Sanchez, Inc. for the Entryway Area and Ornamental Bed Beautification Services.

MOTION: Trustee Piwko

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

- h) Consideration – Resolution Approving the Year 2 and Year 3 Bid Extension to C.T. Veach, Inc. for the Landscape Maintenance Services

Director of Public Works and Engineering Timothy Farrell reported that the Village of Huntley is responsible for maintaining the grounds on all Village-owned property, certain areas within Special Service Area No. 5 (Southwind), as well as certain tracts of Village rights-of-way (ROW). The Village has also been maintaining the IL Route 47 medians the last several years. The combined Village maintained areas total approximately 106 acres over 198 separately defined tracts. To accomplish all of the necessary work, the Village utilizes contractors to share in the workload. For the 2020 season, the Village has targeted 46 acres consisting of 93 separate tracts for contract work. Public Works crews would still be responsible for over half of the maintained responsibility. Tracts targeted for contract generally consist of the more precarious areas such as highly travelled ROW and areas with steeper slopes adjacent to detention basins. The Municipal Complex has also been identified for contract.

On Thursday, January 24, 2019 the Village received bids from six (6) contractors for the contract Landscape Maintenance Services. The bid documents required a Base Bid and a Mandatory Alternate Bid for each of three consecutive years beginning in 2019. The Base Bid landscape maintenance activities consist of litter and debris pick-up, turf and roadside mowing, weed control and fertilizing in the identified areas. The Alternate Bid landscape maintenance activities consist of mulching and pruning for the same areas, aeration at the Municipal Center along with weed control and fertilizer for the remainder of the Village maintained areas. Weed and fertilizer spraying for Village staff would be limited to spot spraying as necessary to address nuisance areas.

Staff Analysis

On Thursday, February 28, 2019, the Village Board approved the Year 1 Bid award for the Landscape Maintenance Services to C.T. Veach, Inc. in the total bid amount of \$83,615.00. Based on acceptable performance for the Year 1 services, all is in order for consideration to approve the Year 2 and Year 3 Bid extension to C.T. Veach, Inc.

The contract may be cancelled by the Village in whole or in part by written notice to the Contractor upon non-performance or violation of contract terms. The Village of Huntley reserves the right to terminate the service at any time during the term of the contract upon ten (10) business days written notice to the Contractor. Failure of the Contractor to deliver services within the time stipulated, unless extended in writing by the Village, shall constitute contract default.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies *Promote Sound Financial Management and Fiscal Sustainability* as a Strategic Priority, and “Enhance asset management program to sustain level of service at economical life cycle cost” as an objective.

Financial Impact

The FY20 Budget includes \$150,000 in the Facilities & Grounds Maintenance Fund, 410-00-00-6179, \$86,181 of which is earmarked for the Year 2 work identified under this contract. The FY21 Budget

will be presented with funding for the Year 3 work.

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

A MOTION was made to approve a Resolution Approving the Year 2 and Year 3 Bid Extension to C.T. Veach, Inc. for the Landscape Maintenance Services.

MOTION: Trustee Westberg

SECOND: Trustee Kanakaris

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- i) Consideration – Resolution Approving the Purchase of a 2021 International Single Axle Dump Truck Cab and Chassis from Rush Truck Centers through the State of Illinois Department of Central Management Services (CMS) Joint Purchasing Procurement Program in the Amount of \$77,470.00

Director of Public Works and Engineering Timothy Farrell reported that the FY20 budget includes funding for the purchase of a new 5-yard dump truck equipped with dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap, GPS, 2-way radio, lights, cameras, and lettering. This vehicle will replace Vehicle 1690, a 2000 5-Yard Dump Truck that is 20 years old and has reached the end of its useful life. Staff will prepare a surplus declaration for Vehicle 1690 for Village Board consideration upon delivery of the new vehicle at which time it will be sold at auction.

Staff Analysis

Staff has received a proposal in the amount of \$77,470.00 for the purchase of a 2021 International single axle dump truck cab and chassis from Rush Truck Centers through the State of Illinois Department of Central Management Services (CMS) Joint Purchasing Procurement Program. The remaining set-up of the truck including the dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap, GPS, 2-way radio, lights, cameras, and lettering will be completed through other vendors. This is a multi-purpose vehicle that is used year round by Public Works for snowplowing, road repairs, and underground work.

Financial Impact

The FY20 Budget includes \$191,100 for the vehicle (\$185,000 in the Equipment Replacement Fund, 480-60-00-8131 for the truck and \$6,100 in the Capital Projects and Improvements Fund for the chipper cap). The cost to purchase the truck cab and chassis is \$77,470.00. The cost to purchase the dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap and GPS is \$96,911.00 and will be presented for Village Board approval under a separate resolution. An estimated additional \$1,850 will be requested through separate purchase orders for miscellaneous accessories such as lettering, radio, floor mats and sideboard.

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

A MOTION was made to approve a Resolution Approving the Purchase of a 2021 International Single Axle Dump Truck Cab and Chassis from Rush Truck Centers through the State of Illinois Department of Central Management Services (CMS) Joint Purchasing Procurement Program in

the amount of \$77,470.00.

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

- j) Consideration – Resolution Approving the Purchase of a Dump Body and Equipment Package for a 2021 International 5-Yard Single Axle Dump Truck from Bonnell Industries, Inc. through the Sourcewell Cooperative Purchasing Program in the amount of \$96,911.00

Director of Public Works and Engineering Timothy Farrell reported that the FY20 budget includes funding for the purchase of a new 5-yard dump truck equipped with dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap, GPS, 2-way radio, lights, cameras, and lettering. This vehicle will be replacing vehicle 1690, a 2000 5-Yard Dump Truck that is 20 years old and has reached the end of its useful life. Staff will prepare a surplus declaration for Vehicle 1690 for Village Board consideration upon delivery of the new vehicle at which time it will be sold at auction.

Staff Analysis

Staff has received a proposal in the amount of \$96,911.00 for the purchase and installation of a truck package including the dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap, GPS, cameras and lights for a 2021 International single axle dump truck from Bonnell Industries, Inc. through the Sourcewell Purchasing Program. The single axle dump truck cab and chassis is provided by another vendor. It is proposed that the Village purchase the truck package equipment to outfit the chassis from Bonnell Industries, Inc., which the Village has been doing for more than 20 years, to maintain consistency with the heavy duty vehicles in the fleet. This is a multi-purpose vehicle that is used year round by Public Works for snowplowing, road repairs, and underground work.

Financial Impact

The FY20 Budget includes \$191,100 for the vehicle (\$185,000 in the Equipment Replacement Fund, 480-60-00-8131 for the truck and \$6,100 in the Capital Projects and Improvements Fund for the chipper cap). The cost to purchase the dump body, hydraulics, controls, plow, spreader, chemical tank, chipper cap, GPS, cameras, and lights is \$96,911.00. The cost to purchase the truck cab and chassis is \$77,470.00 and will be presented for Village Board approval under a separate resolution. An estimated additional \$1,850.00 will be requested through separate purchase orders for miscellaneous accessories such as lettering, radio, floor mats and sideboard bringing the total purchase price to \$176,231.

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

A MOTION was made to approve a Resolution Approving the Purchase of a Dump Body and Equipment Package for a 2021 International 5-Yard Single Axle Dump Truck from Bonnell Industries, Inc. through the Sourcewell Cooperative Purchasing Program in the amount of \$96,911.00.

- 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

k) Consideration – Resolutions:

- i. Authorizing the Local Public Agency Agreement for Federal Participation and Appropriating \$44,000.00 for the Reed Road Multi-Use Path Project
- ii. Approving a Construction Engineering Services Agreement for Federal Participation for the Reed Road Multi-Use Path – Christopher B. Burke Engineering, Ltd in an Amount Not To Exceed \$19,993.70

Director of Public Works and Engineering Timothy Farrell reported that engineering agreements \$25,000 or greater which include federal funds, Local Planning Agencies (LPAs), such as the Village of Huntley, are required to use Quality Based Selection (QBS) which is fully compliant with Federal requirements of 23 CFR 172 and the Brooks Act. As sub-grantees, LPAs must use competitive negotiation supported by qualification based selection procedures. This is the primary method of procurement for engineering and design related services using federal funding. Local preference or existing firm relationships can no longer be used as criteria to award engineering services for federally funded projects over the threshold amount.

Staff Analysis

On November 16, 2017, the Village Board authorized submittal of an Illinois Transportation Enhancement Program (ITEP) grant application for the Reed Road Multi-Use Path (MUP) between Vine Street and IL Route 47. Subsequently, the Village was awarded an ITEP grant in the amount of \$192,000.00, representing 80% of the costs for Phase II and Phase III engineering and construction of the MUP. The remaining 20% of the project costs are to be matched by the Village. The Phase I Engineering was funded entirely by the Village and has already been completed. A breakdown of the project costs is summarized in the following table:

	Federal Amount	Village Amount	Total Amount
Phase I Engineering	0.00	\$15,000	\$15,000
Phase II Design Engineering	\$16,000	\$4,000	\$20,000
Phase III Construction Engineering	\$15,994.96	\$3,998.74	\$19,993.70
Construction	\$160,000	\$40,000	\$200,000
Total Project Costs	\$191,994.96	\$62,998.74	\$254,993.70

On July 26, 2018, the Village Board adopted a QBS Policy and Procedures for selecting an engineering consultant. Following the QBS process, the selection team identified Christopher B. Burke Engineering, LTD as the highest ranked consultant. The other two consultants that submitted a Statement of Qualifications included Fehr-Graham and Burns & McDonnell.

The Village has submitted pre-final Phase II plans to IDOT and is targeting an April 2020 IDOT Bid Letting.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies *Preserve and Enhance Quality of Life for Village Residents* as a strategic priority and “Identify additional locations and funding sources for multi-use paths” as an

objective.

Financial Impact

The FY2020 Budget includes funding for the Reed Road Multi-Use Path construction and construction engineering services in the amount of \$60,000 in the Capital Projects and Improvement Fund, 400-00-00-8000. \$15,994.96 (80%) will be reimbursed by ITEP for Phase III construction engineering.

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

Mayor Sass noted that two motions are required for this item.

A MOTION was made authorizing the Local Public Agency Agreement for Federal Participation and Appropriating \$44,000.00 for the Reed Road Multi-Use Path Project.

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

A MOTION was made Approving a Preliminary Engineering Services Agreement for Federal Participation for the Reed Road Multi-Use Path - Christopher B. Burke Engineering, Ltd in an Amount Not To Exceed \$19,993.70.

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

- 1) Consideration – Resolution Authorizing a Professional Services Agreement with Engineering Enterprises, Inc. for the Preliminary Nutrient Assessment Reduction Plan (NARP) Workplan Development in the Amount of \$35,449

Director of Public Works and Engineering Timothy Farrell reported that the Nutrient Assessment Reduction Plan (NARP) is a requirement to be incorporated in many Illinois National Pollutant Discharge Elimination System (NPDES) permits for major publicly owned treatment works (POTWs) that discharge into a receiving waterbody which is impaired or at risk of eutrophication (excessive richness of nutrients in a lake or other body of water, frequently due to runoff from the land, which causes a dense growth of plant life and death of animal life from lack of oxygen). The West Wastewater Treatment Facility NPDES Permit Renewal, issued for Public Notice on September 28, 2019 contains the NARP requirement.

The purpose of the NARP is to identify phosphorus input reductions and other measures needed to help ensure that dissolved oxygen and offensive aquatic algae and aquatic plant criteria are met throughout a watershed. A provision of the NARP is to form a watershed group to evaluate the watershed on a holistic basis. The Fox River Study Group (FRSG) was formed several years ago under similar prerequisites. The FRSG has completed the Fox River Implementation Plan (FRIP) to serve as their

NARP and now the EPA is moving on to more watersheds.

Staff Analysis

The Village of Huntley is required to develop a NARP by December 31, 2024, in accordance with Special Condition (SC) 23 of the Village's NPDES Permit (No. IL0070688) for its West Wastewater Treatment Facility. This is a significant effort and will require the Village to evaluate the management objectives for the NARP, assess data gaps that need to be filled, collect data to fill the gaps, develop tools (such as models) to assist with evaluating targets and management scenarios, and apply the tools to reach consensus on specific projects to be included in the NARP. The preliminary NARP workplan is the first step in this process, and will identify the scope, schedule, and budget for subsequent work that is required to produce the NARP over the next five years.

Related to the NARP, the permit also contains (SC 22), which will require a Total Phosphorus (TP) discharge limit of 0.5 mg/l by January 1, 2030. This SC is also being applied to many NPDES permits throughout the State. Currently, both the East and West Wastewater Treatment Facilities can meet a 0.5 mg/l TP discharge limit even though the current permit contains a 1.0 mg/l discharge limit. However, the Village needs to evaluate if the facilities can meet the 0.5 mg/l on a consistent basis. Village staff will evaluate TP removal capabilities over the next few years and assess if 0.5 mg/l is consistently feasible with current processes.

(SC) 23 addresses the consequence of the Village if a NARP is not prepared and submitted. Essentially, the Village would be subject to a TP discharge limit of whatever the EPA deems appropriate which may very well be below 0.5 mg/l identified in (SC 22) and at a much sooner timeframe. This would require a multi-million dollar investment at each facility to implement process equipment to achieve.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies "*Preserve and Enhance Quality of Life for Village Residents*" as a Strategic Priority, and "Protect Natural Resources" as a Goal.

Financial Impact

The FY20 Budget includes funding in the Wastewater Capital Improvement and Equipment Fund, 525-00-00-6120 for the Preliminary NARP Workplan Development.

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

Trustee Leopold asked if the work plan can include discussion with the other municipalities and government agencies to send a letter to the Illinois EPA objecting to this unfunded requirement. Director Farrell stated that it could be brought up but other municipalities have spent thousands of dollars in attorney's fees objecting. Trustee Leopold asked that the other participants be canvassed and a letter sent so it is on record.

There were no other comments or questions.

A MOTION was made to approve a Resolution Authorizing a Professional Services Agreement with Engineering Enterprises, Inc. in an Amount of \$35,449 for the Preliminary Nutrient Assessment Reduction Plan (NARP) Workplan Development.

MOTION: Trustee Kanakaris

SECOND: Trustee Piwko

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 Piwko asked about the road salt supply; Director Farrell stated that the storage facilities are full.

VILLAGE PRESIDENT'S REPORT:

Trustee Piwko reported on the McCOG Legislative Dinner which approves the legislative and transportation agenda. Trustee Piwko stated that the IML Executive Director gave an update on Springfield.

Mayor Sass stated introduced Catalina Lauf and asked her to introduce herself. Ms. Lauf thanked the Mayor and stated that she is running for the U.S. House to represent Illinois' 14th Congressional District.

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 8:08 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary