

**VILLAGE OF HUNTLEY
VIRTUAL VILLAGE BOARD
April 23, 2020
MEETING MINUTES**

CALL TO ORDER:

A virtual meeting of the Village Board of the Village of Huntley was called to order on Thursday, April 23, 2020 at 7:04 p.m. Call in number: 847-748-0565 PIN: 89941

ATTENDANCE:

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

ABSENT: None

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

Mayor Sass read the following into the record:

Thank you for joining us for the April 23rd virtual Village of Huntley Board meeting. Pursuant to Governor Pritzker's Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), Governor Pritzker has suspended certain rules of the Open Meetings Act – specifically the Executive Order permits remote public meetings. In light of the current COVID-19 public health emergency and the prohibition of public gathering of 10 or more, the Village Board has chosen to conduct the board meeting remotely.

All public comments received prior to 5:00 today will be read into the record under Public Comments.

Members of the public that wish to make a comment during agenda Item 4: Public Hearing relating to proposed amendment to the Illinois Industrial Development Revenue Bonds will be asked to slowly state your name and address before making your comment when called upon.

All other members of the public are now asked to mute your phones. Village Trustees, please do not mute your phones.

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

PUBLIC HEARING:

Mayor Sass stated that the Public Hearing is relating to proposed amendment to \$2,437,500 Village of Huntley, Illinois Industrial Development Revenue Bonds, Series 2014 (Cargo Equipment Corporation Project). Mayor Sass stated that if anyone wished to make a public comment they will be called upon.

Mayor Sass asked for a motion to open the Public Hearing.

A MOTION was made to open the Public Hearing.

MOTION: Trustee Leopold
SECOND: Trustee Goldman
The Voice Vote noted all ayes and the motion carried.

Mayor Sass reported that Mr. Keith Iden from Cargo Equipment was on the call to answer questions.

Mayor Sass asked if anyone from the Public had comments or questions; there were none.

A MOTION was made to close the Public Hearing.

MOTION: Trustee Hoeft
SECOND: Trustee Piwko
The Voice Vote noted all ayes and the motion carried.

PUBLIC COMMENTS:

Interim Village Manager Lisa Armour read the following public comment from Frank Miller: I have not seen the draft so I do not know if this is useful, but it needs to be said. There needs to be enforcement of safe practices during an epidemic. Those who choose to selfishly go without protective gear during an epidemic should be subject to disorderly conduct tickets. Going unprotected is their risk, but they have no right to infect others. Now we have been closed down now for more than thirty days. We had no choice because we were unprepared. If this continues there will be a great depression that will kill people too, and people will die from neglected health care on other issues. There has been adequate time now to get prepared. Those who go unprepared now are doing so at their own risk. If nurses can treat the sick then merchants can serve the public safely if properly equipped. Suggest they keep the doors locked and not let people in who are being unsafe if they choose to. The merchants also need to use masks and/or gloves when there is a declared epidemic. It is a free country so they should be free to operate as they choose as long as they do not negligently contribute to the transmission of a deadly disease. Being prepared includes appropriate enforcement. F. Miller

ITEMS FOR DISCUSSION AND CONSIDERATION:

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

Mayor Sass reported that everyone was in attendance at the April 9, 2020 Village Board Meeting. Mayor Sass asked if the Village Board had any comments or changes; there were none.

A MOTION was made to approve the April 9, 2020 Village Board Meeting Minutes.

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

- b) Consideration – Approval of the April 23, 2020 Bill List in the amount of \$201,558.25

Mayor Sass reported that \$66,788 (or 33.2%) of the total bill list is attributable to the payment to Concentric Integration LLC for the Scada Server Replacement Project (\$56,000) and to Newman Roofing and Remodeling for the Roof Replacement on the Old Control Building at the East Plant (\$10,788).

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

A MOTION was made to approve the April 23, 2020 Bill List in the amount of \$201,558.25.

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

- c) Consideration – An Ordinance Authorizing Amendments to \$2,437,500 Village of Huntley, Illinois Industrial Development Revenue Bonds, Series 2014 (Cargo Equipment Corporation Project) Issued on June 18, 2014

Mayor Sass reported that the Village previously entered into a Bond Agreement dated June 1, 2014 among the Village, Realnet Partners, L.L.C., an Illinois limited liability company (the “Borrower”), American Community Bank & Trust, as trustee (the “Trustee”), and American Community Bank & Trust, as original purchaser (the “Original Purchaser”) relating to the issuance of \$2,437,500 Village of Huntley, Illinois Industrial Development Revenue Bonds, Series 2014 (Cargo Equipment Corporation Project). The Village, as Issuer, loaned the proceeds of the Original Bonds to the Borrower, which is an entity related to Cargo Equipment Corporation to complete a project consisting of the (i) acquisition of land, (ii) construction of an approximately 40,000 square-foot manufacturing facility to be located at 13700 George Bush Court to be used by Cargo Equipment to manufacture high quality load securement equipment and supplies, (iii) purchase and installation of equipment at the Facility and (iv) payment of costs of issuance (collectively, the “Project”). There was and is no financial obligation on the part of the Village in being the issuer of Industrial Revenue Bonds

Staff Analysis

The Borrower and the Original Purchaser wish to amend the interest rate provisions of the Original Bonds pursuant to a First Amendment to Bond Agreement dated April 28, 2020 (the “Amendment”), and to give effect to such modification, the Borrower and the Original Purchaser have requested the Village, as Issuer, to reissue the Original Bonds. It is a requirement of the Bond Agreement that any such amendment be approved by the Issuer. The ordinance authorizes the Village President and the Village Clerk to execute the Amendment, to which the Village is a party, and to execute such other documents, agreements, instruments or certificates as are deemed necessary. As the Issuer, the Village only passes along its tax-exempt status to the company. The purpose of Cargo Equipment utilizing IRB financing is solely to take advantage of the lower interest rate associated with the tax exempt bonds.

Financial Impact

Under the provisions of the Act, the Bonds shall remain special, limited obligations of the Village, as Issuer, and the Bonds do not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against its general credit or taxing powers.

Legal Analysis

A public hearing is required in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, at which residents of the Issuer shall have the opportunity to be heard in regard to the proposed reissuance of the Bonds.

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

A MOTION was made to approve an Ordinance Authorizing Amendments to \$2,437,500 Village of Huntley, Illinois Industrial Development Revenue Bonds, Series 2014 (Cargo Equipment Corporation Project) Issued on June 18, 2014.

MOTION: Trustee Kanakaris

SECOND: Trustee Leopold

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- d) Consideration – An Ordinance Authorizing the Ceding of Private Activity Bonding Authority to the Upper Illinois River Valley Development Authority (UIRVDA)

Interim Village Manager Lisa Armour reported that the federal tax code allows state and local governments to use tax-exempt bonds to finance certain projects that would be considered private activities. Congress uses an annual state volume cap to limit the amount of tax-exempt bond financing generally and restricts the types of qualified private activities that would qualify for tax-exempt financing to selected projects defined in the tax code. Private activity bonds, sometimes referred to as industrial development bonds, are primarily limited to manufacturing and processing facilities. The Village is in receipt of a request from the Upper Illinois River Valley Development Authority (UIRVDA) to transfer the Village’s 2020 Home Rule Volume Cap to UIRVDA to assist with financing of eligible economic development projects. The Village approved a similar request from UIRVDA last year.

Staff Analysis

In 2020, home rule communities will receive a volume cap allocation of \$105 per capita. The State of Illinois allocation guidelines identify Huntley’s population at 27,440, resulting in a volume cap allocation of \$2,881,200. Of the total amount available to each home rule unit of government with less than 2,000,000 inhabitants, the amount that has not been granted, transferred, or reserved by home rule units for specific projects or purposes as of May 1, 2020, shall be reserved to the Governor’s Office on June 1, 2020 (the “Home Rule Pool”). Since the Village does not have any eligible projects to utilize the available volume cap, transferring it to UIRVDA prior to May 1st will allow the cap to remain with UIRVDA until December 31st. This would also allow for a project within the Village to have access to the volume cap after May 1st. An ordinance and follow up letter to the Governor’s office is required to transfer the volume cap, which otherwise would go back to the state’s Home Rule Pool.

Financial Impact

There is no impact to the Village in ceding the volume cap.

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

Trustee Goldman stated that this was a win-win program.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Authorizing the Ceding of Private Activity Bonding Authority to the Upper Illinois River Valley Development Authority (UIRVDA).

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

- e) Discussion – Revocation of the Special Use Permit approved by Ordinance (O) 2018-07.26 for Sardar Motors Inc., to operate a used automobile dealership within the “B-2” Highway Service District-zoned property at 10501 Route 47

Director of Development Services Charles Nordman reported that on July 26, 2018, the Village Board approved a special use permit for Sardar Motors Inc., to operate a used automobile dealership within the “B-2” Highway Service District-zoned property at 10501 Route 47. A condition of Ordinance (O)2018-07.26, approving the special use permit, required the owner of the property to apply for façade program assistance and complete all exterior improvements to the building by August 1, 2019.

The property owner returned before the Village Board on August 22, 2019, to request an extension for completing exterior improvements. The petitioner was requesting a twelve-month extension; however, the Village Board granted an extension of six months, therefore requiring the exterior improvements to be completed by February 29, 2020 (Ordinance (O)2019-08.55). The petitioner was advised that failure to complete the required improvements by February 29, 2020 shall constitute grounds for the revocation of the special use permit for Sardar Motors.

On January 9, 2020, the petitioner was before the Village Board with a Façade Improvement Assistance Program application requesting assistance for improvements to the subject property. The Village Board requested the property owner revise the proposed elevations and return to the Village Board by no later than March 12, 2020. To date, the petitioner has not submitted revised elevations.

Staff Analysis

Section 156.068(I) of the Zoning Ordinance states that a violation of any condition imposed on a special use shall constitute grounds for revocation of the special use permit. The Village Board may order such revocation; provided, however, where the original approval was granted following a public hearing required pursuant to the Zoning Ordinance, the revocation shall be preceded by a similar hearing (Section 156.214(D) of the Zoning Ordinance). Staff is requesting a consensus of the Village Board as to whether or not to proceed with the formal hearing process to revoke the Special Use Permit for Sardar Motors.

Legal Analysis

The revocation of a Special Use Permit shall be subject to a hearing in accordance with 156.214(D) of the Zoning Ordinance.

Director Nordman reported that Tommy Kondraros, property owner, was on the call to answer questions.

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

Mr. Kondraros stated that Sardar Motors was vacating the property as of May 15, 2020.

Trustee Leopold stated that the Special Use Permit should be revoked.

Mayor Sass stated that Sardar Motors will be moved out of the property by May 15, 2020 and stated that no new Special Use Permit should be issued until the required items are done.

Mr. Kondraros stated that he would get the updated plans to Director Nordman.

Director Nordman stated that no public hearing is required to revoke the Special Use Permit.

There were no other comments or questions.

It was the consensus of the Village Board to proceed with the formal hearing process to revoke the Special Use Permit approved by Ordinance (O) 2019-08.55 for Sardar Motors Inc., to operate a used automobile dealership within the “B-2” Highway Service District-zoned property at 10501 Route 47.

- f) Consideration – A Resolution Waiving Competitive Bid and Purchasing New VMware Server Cluster with VSAN Storage from Advanced Business Networks, Inc. (ABN) in the Amount of \$104,334.12

Interim Village Manager Lisa Armour reported that in order to maintain the Village’s information technology services network, two existing virtual servers will be replaced and upgraded with a new cluster of three servers. Two physical servers do not provide enough space for continued growth of required technology. ABN, the Village’s information technology services support provider, identified cost savings during the FY20 Budget process that could be achieved by streamlining the purchase of products and licensing by replacing and upgrading the SAN (Storage Area Network) at the same time as the server upgrade. The original capital plan was to replace the existing SAN in 2022 at an estimated cost of \$80,000. However, by upgrading the SAN in conjunction with the virtual server project in FY20, this can be accomplished with a savings of approximately \$25,000. With the added technology implemented over the past three years, data storage requirements have increased greatly, and replacing the SAN will also help avoid a network/data failure in the near future. Given the current operating conditions with many network services being provided on a remote basis, it is imperative to implement these upgrades.

Staff Analysis

Per the Village’s master contract and 2020 task order with ABN to provide network support services, ABN will procure, assemble, configure, and test all components as well as the overall system to ensure compatibility, stability, and performance meet the design goals. ABN is able to procure the equipment at a discount due to the volume of purchases made.

Financial Impact

The FY20 Budget includes funding for two projects: Storage Area Network (SAN) (\$55,000 in line item 480-00-00-8210, Equipment Replacement Fund); and Server Replacement Program (\$27,500 in line 04.23.20 VB Meeting

item 515-00-00-8004, Water Capital Improvement and Equipment Fund; \$27,500 in line item 525-00-00-8004, Wastewater Capital Improvement and Equipment Fund). Total budgeted amount for these two projects is \$110,000. Per the quote of \$104,334.12 from ABN, the project will be under budget.

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

Trustee Leopold stated that he would like to give a 50% deposit and pay the remainder of the balance after installation is complete and working properly.

Interim Village Manager Armour stated that the Village has a good working relationship with ABN through the Master Contract and 2020 Task Order with Advanced Business Networks (ABN) to provide supplementary information technology services and will discuss Trustee Leopold's concerns.

There were no other comments or questions.

A MOTION was made to approve a Resolution Waiving Competitive Bid and Purchasing New VMware Server Cluster with VSAN Storage from Advanced Business Networks, Inc. (ABN) in the Amount of \$104,334.12.

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

- g) Consideration – An Ordinance Amending the Code of the Village of Huntley: Section 1 Title XIII - General Offenses, Chapter 130, Section 05 Disorderly Conduct

Chief Robert Porter reported that in light of the current Covid-19 Pandemic, local law enforcement agencies are being tasked with the enforcement of the various aspects of the Governor's Orders pertaining to social distancing. The preference is always to gain voluntary compliance through verbal requests made by law enforcement officials. However, in the event that verbal compliance is not followed and additional enforcement is warranted, it would be preferred to allow for a non-custodial arrest citation option rather than a mandatory arrest situation for Reckless Conduct, which is a Class A Misdemeanor offense. This requires an amendment to Village Code.

Staff Analysis

In looking for local options for non-compliance on offenses that may threaten public health and safety, staff is proposing a minor addition to Section 1 Title XIII - General Offenses, Chapter 130, Section 05 Disorderly Conduct as follows: "Fails to obey an order by a peace officer, traffic control aide, fire department official, or other official, who has identified themselves as such, or is otherwise reasonably identifiable as such, issued under circumstances where it is reasonable to believe that the order is necessary to allow public safety officials to address a situation that threatens the public health, safety or welfare". This section should be added to division (a) as subsection (13).

The amendment will provide Police personnel with a non-custodial arrest alternative to utilize should a person continue to refuse verbal requests and commands. It is a more preferable option rather than having to come into close physical contact with an uncooperative individual to make an arrest for Reckless Conduct.

Legal Analysis

The draft ordinance was prepared by the Village Attorney.

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

Trustee Leopold asked if someone is not wearing a face mask in Walmart if they could get a citation. Chief Porter stated that there will be no Officers located in grocery stores.

Attorney John Cowlin stated that the person would have to fight the order by Police in order to get a citation.

Trustee Goldman asked if a citation was issued would it include a fine. Chief Porter stated that they would receive a notice to appear which is a \$50 fine.

Chief Porter noted that the Governor’s Order presented today was that people are required to wear a face mask inside or if they cannot maintain a six-foot distance outside from others.

Trustee Kanakaris asked if a person always has to wear a mask outside. Chief Porter stated that a mask is required to be worn inside a public building or if a person is incapable to maintaining six-foot distance outside.

There were no other questions.

A MOTION was made to approve an Ordinance Amending the Code of the Village of Huntley: Section 1 Title XIII - General Offenses, Chapter 130, Section 05 Disorderly Conduct.

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

VILLAGE ATTORNEY’S REPORT: None

VILLAGE MANAGER’S REPORT: None

VILLAGE PRESIDENT’S REPORT:

- a) Special Presentation: Arbor Day Proclamation

Mayor Sass read the following proclamation:

National Arbor Day
April 24, 2020

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

THEREFORE, BE IT RESOLVED that I, Charles H. Sass, Mayor of the Village of Huntley declare April 24, 2020, as Arbor Day in the Village of Huntley, and I urge all citizens to celebrate Arbor Day and support efforts to protect trees and woodlands, and participate in the Green & Clean Huntley Day rescheduled to take place on October 10, 2020.

b) Declaration of Local State of Emergency

Mayor Sass reported that pursuant to the authority vested in the office of Village President by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance (O)2020-03.19 of the Village of Huntley, Village President Sass declared a local state of emergency on March 17, 2020 after finding that the standards as set forth in Ordinance (O)2020-03.19 had been satisfied. Per the ordinance, the state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. As a result, the declaration expires as of April 23rd.

Staff Analysis

Given the ongoing COVID-19 virus pandemic, the proclamation of disaster issued by Illinois Governor J.B. Pritzker regarding the COVID-19 pandemic, and the resulting threat to the health, safety and general welfare of our residents, the Declaration of Local State of Emergency is hereby extended and shall continue until such time as provided in Ordinance (O)2020-03.19. It is possible that the declaration may be extended again depending upon circumstances.

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

UNFINISHED BUSINESS: None

NEW BUSINESS:

Special Events Manager Barbara Read reported that typically the May 2nd market would be the last indoor market of the season. The indoor market is a much smaller market than the summer markets so we would like to hold this as a modified outdoor market making the following accommodations:

SET UP

- On Friday, May 1st, signs will be put up at each end of Coral Street noting “No parking on Saturday”
- Signs will be posted to have patience and keep distance and to wear a mask/face covering.
- Each vendor will have a space on Coral Street along the Town Square to allow for distancing.
- The vendors will keep their vehicle and place their canopy tent adjacent to their car on Coral.
 - Their product table will then be placed at the front of their tent leaving room for their chair(s) between the table and their car.
 - A 2nd table will be placed in front of their product table as an additional buffer (transaction table).
 - Barricades with yellow tape will be set up additionally in front of and behind the booths so that guests maintain distance from the booths.
- Vendors will be required to wear masks at all times during the market
- Vendors will be required to set up a personal handwashing station or hand sanitizer in their booth

SALES

- No samples will be allowed at the market
- All products must be pre-packaged.
- Vendors will publicize pre-order of items is preferred (but we do realize that some people will just show up to buy).

ADJUSTED MARKET HOURS

- The May 2nd market hours will be 9am until Noon (typically, it is 9am-1pm).

MISCELLANEOUS

- We would open the old village hall for restroom use but only for the vendors (the building would remain dark and only the vendors will be allowed in).

It is our hope that holding the market outside and like this will help these vendors keep their businesses alive as the majority of them sell their products only through farmers markets. We also hope that our downtown businesses such as Morkes Chocolates, Parkside, Manny’s, etc. will get additional sales during this time.

Mayor Sass stated that he hopes the market has good weather and asked if the Village Board had any comments or questions.

Trustee Westberg stated that it sounds like the outdoor market is safer than going into a grocery store.

Trustee Goldman offered her help at the market, if needed.

There were no other comments or questions.

EXECUTIVE SESSION: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 7:57 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Hoeft

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary