

**VILLAGE OF HUNTLEY
VIRTUAL VILLAGE BOARD
May 28, 2020
MEETING MINUTES**

CALL TO ORDER:

A virtual meeting of the Village Board of the Village of Huntley was called to order on Thursday, May 28, 2020 at 7:04 p.m. Call in number: 847-748-0565 PIN: 04353.

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 Finance Cathy Haley, Director of Development Services Charles Nordman, Chief Robert Porter, Director of Public Works and Engineering Tim Farrell, and Village Attorney John Cowlin.

Mayor Sass read the following into the record:

Thank you for joining us for the May 28th 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 p.m. today will be read into the record under Public Comments.

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.

SPECIAL PRESENTATION:

- a) Proclamation – May is Local History Month

Mayor Sass read the following proclamation:

National Historic Preservation Month

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, May is National Historic Preservation Month aimed at encouraging local preservation partners to develop themes and produce logos which foster their ownership for preservation month; and

WHEREAS, “*Look at Local History*” is the theme throughout McHenry County, Illinois, being held in conjunction with the National Trust for Historic Preservation theme “*This Place Matters*”;

NOW, THEREFORE, I, Charles H. Sass, Mayor of the Village of Huntley, do proclaim May 2020, as National Historic Preservation Month, and call upon the people of the Village to join their fellow citizens across McHenry County in recognizing and participating in this special observance.

Passed and Approved this 28th day of May 2020.

PUBLIC COMMENTS:

Interim Village Manager Armour reported that two (2) Public Comments were submitted and read them into the record:

Randy Watts, 12779 Highland Ln, wrote:

Village Board of Trustees,

My question along with a statement involves the Motion to approve the business plan with Woodstock Hotel (Hampton Inn).

It appears your patience is wearing thin on securing any hotel for this growing community. I stress growing and that will show up as a positive after 2020 census numbers are released. Hotels don't really bring business, rooftops do. Driving population will bring hotels/business. Along with that comes tax dollars. The original intent for the acreage in question was for Home Depot to build a site there. Their plan was withdrawn due to an earlier recession. Repeating myself roof tops (homes) stopped popping out of the ground. Fast forward to 2018/2019/2020, now we again see tremendous growth within our great community.

My point is? Why are we giving up 2.5 million dollars in tax revenue? That's over 20% of the cost of the project, when in due time some hotel will land in Huntley without tax incentives. Myself? I can wait to save that kind of cash.

Citizens prefer taxes to come through the front door. I look at this corporate giveaway as tax income going out the back. Thank You for your time.

Debby Kramer, 12760 Rock Creek Circle wrote:

Dear Members of the Village Board: As a long-time resident of Sun City Huntley, I am pleased to hear about the proposed development of a hotel in Huntley Crossings across from Sun City, and highly recommend its approval by the Board. It will be a great addition to the Village and to Sun City, for the times that our extended families come to visit for reunions and other events. Thank you!

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Consideration – Approval of the May 14, 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 May 14, 2020 Village Board Meeting Minutes.

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

- b) Consideration – Approval of the May 28, 2020 Bill List in the amount of \$558,233.48

Mayor Sass reported that \$246,302.01 (or 44.13%) of the total bill list is attributable to the payment to Concentric Integration LLC for the Scada Server Replacement Project (\$24,350.00), to Sternberg Lighting for the 2020 LED Lighting Incentive Program (\$53, 125.00), to Engineering Enterprises Inc. for the Nutrient Assessment Reduction Plan (\$19,105.27), to Seecom for the Quarterly Dispatch Services (\$91,460.25), to Deere Credit Inc. for Annual Lease Payment #2 (\$20,302.49), to AWH LLC for the purchase of the John Deere Gator (\$17,959.00) and payment to AID Victims Services for Contractual Services for 2020 (\$20,000.00).

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

A MOTION was made to approve the May 28, 2020 Bill List in the amount of \$558,233.48.

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

- c) Consideration – An Ordinance Amending the Huntley Code of Ordinances – Title XI Business Regulations, Chapter 110 Alcoholic Beverages; Section 110.23 Classification and Fees Regarding Class “J” Brew Pubs

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

Staff Analysis

Staff was contacted by the owners of Sew Hop’d requesting to amend their license to allow for patrons to bring in their own wine. The current Class “J” license does not allow for the sale of wine nor does their state liquor license. The amendment to allow a Bring-Your-Own-Beverage (BYOB) wine on the licensed premise would be added only to the Class “J” classification.

The Class “J” proposed amended language was prepared by Special Counsel as highlighted below:

§ 110.23 CLASSIFICATION AND FEES

(A) There shall be ten classes of licenses:

(8) *Class "J."* Class "J" shall permit only:

- (a) The operation of a brew pub and/or taproom, which may include outdoor seating areas as specified in the license, in connection with a microbrewery and in compliance with all applicable state and federal regulations and licenses authorizing the production, storage, distribution, and sale of beer.
- (b) Retail sale of beer produced by the licensee for consumption on the premises specified in the license.
- (c) Retail sale of beer produced by the licensee in sealed packages for off-premises consumption.
- (d) On-premises tastings of beer produced by the licensee provided with or without charge, provided that no more than six fluid ounces of beer may be provided without charge to any prospective purchaser.
- (e) Service and consumption of bring-your-own-beverage ("BYOB") wine on the licensed premises. BYOB consumption shall not be permitted on the licensed premises for any alcoholic beverages other than wine.**
- ~~(e)~~**(f)** Retail sales, including tastings **and consumption of BYOB wine**, on the licensed premises shall be limited to the hours of 12:00 p.m. through 11:00 p.m.
- ~~(f)~~**(g)** The annual fee for a Class "J" license shall be \$1,500.

Legal Analysis

The Village's Special Counsel prepared the code amendment and all is in order for Village Board consideration.

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

Trustee Leopold asked how many "J" licenses that Village has now. Mayor Sass reported that there is only one (1) and it belongs to Sew Hop'd. Trustee Leopold asked if we could turn other requests down or add new "J" licenses; Village Attorney Cowlin stated that the Village can always create another "J" license. Mayor Sass stated that the Village never has open licenses and creates them as needed.

Trustee Goldman asked why the brewery would want to allow outside wine to be brought in to their facility. Lance Lamb, owner of Sew Hop'd, reported that under their current self-distribute license with the State, they are not allowed to sell wine. Mr. Lamb stated that often their customers come in with others that don't drink beer and this would now allow them to enjoy wine with their friends drinking beer.

There were no additional questions.

A MOTION was made to approve an Ordinance amending the Huntley Code of Ordinances – Title XI, Business Regulations, Chapter 110 Alcoholic Beverages; Section 110.23 Classifications and Fees Regarding Class "J" Brew Pubs.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- d) Consideration - An Ordinance Approving the Issuance of a Video Gaming Location License to Topsy's Bar and Pizza; 10753 Dundee Road

Mayor Sass reported that the Village of Huntley regulates video gaming licenses and terminals in the Village through its Code of Ordinances, Title XI, Section 110.60 Gaming Licenses. Pursuant to the Village of Huntley Code of Ordinance amendment approved by the Village Board in March 2017, separate approval is required for all gaming requests.

Staff Analysis

The Village is in receipt of a Class "A" Liquor License, which allows for video gaming, request from Mr. Taras Lun and Mr. Gino DeFrancisco (owners) for Topsy's Bar and Pizza. The owners have informed staff it is their intent to include 4 video gaming machines within the remodeled unit at 10753 Dundee Road. Development Services Department Staff will review professional plans once submitted for building code compliance. Approval is being requested at this time to allow for the video gaming location within Topsy's upon the completion of the remodel and issuance of a certificate of occupancy.

For more detailed information, please see the staff report in the Liquor Commission packet.

Financial Impact

Payment for the applicable number of approved machines as well as the terminal operator fee will be processed upon approval of the gaming location.

Legal Analysis

Section 110.60 of the Village Code of Ordinances regulates video gaming in the Village. The application has been reviewed and is on file.

Mayor Sass reported that a representative from the petition was on the phone to answer questions.

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

Trustee Westberg asked if it was a video gaming parlor or an actual pizza restaurant with pizza ovens. Mr. Gino DeFrancisco, owner, stated that they are putting in four (4) pizza ovens. Trustee Westberg stated that if they are putting in a full kitchen he would support giving this opportunity to the business.

Trustee Goldman stated that their location is a tough spot for a video gaming parlor and said if they brought in a different use to the location it would be different. Trustee Goldman stated that she did not like the name and asked the owner to rethink the name. Trustee Goldman stated that their menu is not good for a restaurant. Mr. DeFrancisco stated that he appreciates her concerns but feels confident that they will be successful with their food.

Trustee Kanakaris stated that he would like to have more occupancy in that strip mall but stated that they should not rely on video gaming machines to pay the rent as four (4) gaming machines will not be enough to do that. Trustee Kanakaris stated that he would be ok with the use in that location and stated that the Village could pull the liquor license if it doesn't work out. Trustee Kanakaris noted that the petitioner is probably spending \$150,000-\$170,000 on the build-out.

Mayor Sass asked how much they anticipate in spending to put in the kitchen; Mr. DeFrancisco stated that it will cost around \$75,000 as right now the kitchen consists of the commercial sink and grease trap.

Trustee Westberg asked if there was a meaning behind the name; Mr. DeFrancisco stated that it is just a playful name for a neighborhood bar.

Trustee Kanakaris asked if they would move into another larger space in that strip mall if it became available; Mr. DeFrancisco stated that they are aware of the larger 3,000 square foot space currently available but do not want it as they want to be on a corner. Mr. DeFrancisco stated that they would consider expanding if the adjacent space becomes available.

Mayor Sass asked Trustee Kanakaris if a full commercial kitchen could be built out for \$75,000; Trustee Kanakaris stated that it would probably cost \$75,000 to \$100,000 to build out.

Trustee Leopold stated that it is nothing more than a gaming café and is against it.

Trustee Piwko stated that he agrees it is a gaming café as the petitioner is not sure about the menu and there are too many unknowns. Trustee Piwko stated that he would hate to see the petitioners lose all that money in build out as the Village already has many pizza places.

Mr. DeFrancisco stated that he owned a restaurant in Campton Hills for 6-7 years and that his family has live in the Huntley area for 18 years. He also stated that a smaller menu with good food will work.

Trustee Hoeft stated that it is not the Village's concern how much the business owner spends to build out and not up to the Village Board to decide if the business will be successful. Trustee Hoeft stated that he was at first apprehensive but now knowing of the build out of four pizza ovens he supports it.

Mayor Sass stated that the project could go either way, pizza place or gaming parlor but it appears to be leaning towards gaming parlor. Mayor Sass stated that he was concerned about the inclusion of a true commercial kitchen, as required. Mayor Sass told the petitioner to improve on their menu.

There were no additional comments or questions.

A MOTION was made to approve an Ordinance Approving the Issuance of a Video Gaming Location License to Topsy's Bar and Pizza; 10753 Dundee Road, pursuant to the Village of Huntley Code of Ordinances Section 110.60.

MOTION: Trustee Leopold

SECOND: Trustee Hoeft

AYES: Trustees: Hoeft, Kanakaris, Westberg and Mayor Sass

NAYS: Trustees: Goldman, Leopold, and Piwko

ABSENT: None

The motion carried: 4-3-0

- e) Consideration – An Ordinance Approving a Preliminary/Final Plat of Subdivision to Resubdivide Lot 1 of Weber-Stephen Plat of Consolidation, 11811 Oak Creek Parkway

Director of Development Services Charles Nordman reported that the petitioner is requesting approval to resubdivide Lot 1 of Weber – Stephen Plat of Consolidation (11811 Oak Creek Parkway) into two lots.

The existing lot includes the Weber – Stephen manufacturing facility and vacant land to the north of the facility. The petitioner is proposing to subdivide the existing lot into two lots to allow for a future conveyance of the property. Lot 1 will be ±35.5 acres and will include the existing manufacturing facility and associated parking. Lot 2 will be ±11.84 acres and will consist of the vacant land located to the north of the manufacturing facility. Both proposed lots will have frontage on Oak Creek Parkway.

Staff Analysis

The subject property is zoned “BP” Business Park which requires a minimum lot area of one (1) acre (there is no minimum lot width requirement). Both proposed lots conform to the minimum lot area requirement. Furthermore, the manufacturing facility and related improvements on Lot 1 will continue to conform to the bulk standards (building and parking setbacks, building coverage, etc.) for the “BP” zoning district.

Plan Commission Recommendation

The Plan Commission reviewed the petitioner’s request on May 11, 2020 and, with no members of the public offering comments in favor or opposition to the request, recommended approval of the petition by a vote of 7 to 0, subject to the following conditions:

1. Upon approval of the Final Plat by the Village Board, the Owner shall record the plat with the Recorder of Kane County within three months. If not recorded within this time, the approval shall be null and void (Section 155.221(A)(5) of the Village’s Subdivision Ordinance).

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

Trustee Leopold acknowledge Weber-Stephen for being a long time business in the Huntley.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Approving a Preliminary/Final Plat of Subdivision to Resubdivide Lot 1 of Weber-Stephen Plat of Consolidation.

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

- f) Consideration – An Ordinance Approving a Final Planned Unit Development for a ±2,454 Square Foot Restaurant, including any necessary relief, and a Special Use Permit for a Drive-Through for Popeyes Louisiana Kitchen, on Lot 3 of Huntley Crossings, Phase 2, Plat 1

Director of Development Services Charles Nordman reported that HZ Props RE, Ltd., on behalf of Popeyes Louisiana Kitchen (“Popeyes”) has submitted plans for a proposed ±2,454 square foot restaurant with a drive-through to be located on Lot 3 of Huntley Crossings, Phase 2, Plat 1. The subject site is a ±1.14-acre lot located near the northeast corner of Route 47 and Regency Parkway, between O’Reilly Auto Parts and Panda Express.

The Rubloff Development Phase II and III Annexation Agreement, Preliminary/Final Plat of Subdivision and Preliminary Planned Unit Development for Huntley Crossings – Phase 2 established the framework for development within the subdivision. The Second Amendment to the annexation agreement recorded in 05.28.20 VB Meeting

2017 included increasing the number of drive-through restaurants allowed (from two to four) within the subdivision and revised the parameters for signage (i.e. Outlot sign height increased from six (6') feet to ten (10') feet and may be installed within ten (10') feet from the property line rather than fifty (50') feet). The Final Planned Unit Development plan for each lot requires review and approval by the Plan Commission and Village Board and adherence to the Village's Commercial Design Guidelines.

Staff Analysis

Final Planned Unit Development

Site Plan

The Popeyes site plan proposes a ±2,454 square foot building with parking for 20 vehicles and includes cross access to the parking lot for O'Reilly Auto Parts. The building is oriented towards Route 47 and the main entrance to the restaurant is located on the south elevation of the building. Access to the site will be provided from the private access road at the rear of the site, in addition to the cross access with O'Reilly Auto Parts to the south. The site plan also includes a sidewalk connecting the walk at the rear access road to the main entrance on the south elevation.

Parking

The Second Amendment Rubloff Development Phase II and III Annexation Agreement requires drive-through eating establishments of 2,500 square feet or less to provide five (5) parking spaces per 1,000 square feet of floor area, thereby requiring thirteen (13) parking stalls for the subject site. The proposed twenty (20) parking spaces exceed the required number of parking spaces required for the restaurant. The site plan also includes parking stalls that are 10 feet in width and 19.5 feet in depth, which exceed the minimum dimensions required by the Zoning Ordinance. The width of the parking lot drive aisle is also greater than required and will measure 25.5 feet in width.

Building Elevations

The proposed building elevations consist of three (3) shades of brick (Aspen White, Stone Grey, and Flagstaff) and composite wood accent material surrounding the window on the west elevation. Canopies will be located over all storefront windows and over the drive-through pick-up area. Faux shutters will be located on the north and south elevations and gooseneck style light fixtures will be installed on all four elevations. The trash enclosure will be constructed of Stone Grey colored brick and will be connected to the rear of the building with a wrought iron gate.

Landscaping

The landscape plan submitted for the site features foundation plantings, and one (1) shade tree internal to the site and fourteen (14) shade trees around the perimeter. Tree species include three (3) Ohio Buckeye, four (4) Chicagoland Hackberry, six (6) Chinkapin Oak, one (1) Bold Cypress, and one (1) American Basswood. The landscape plan includes a variety of plantings, including four (4) varieties of evergreen shrubs, four (4) species of deciduous shrubs, three (3) types of ornamental grasses, and three (3) species of perennials. The proposed plantings and trees meet or exceed the Village's Landscape Ordinance and Commercial Design Guidelines.

Site Lighting

The petitioners propose the installation of six (6) decorative lantern-style parking lot light fixtures, which match the fixtures used at both Panda Express and O'Reilly Auto Parts. The restaurant also utilizes decorative gooseneck wall mounted fixtures on all four sides of the building. The Village's Zoning Code requires parking lot lighting to have an average minimum illumination of two foot-candles within the

parking lot and a maximum of 0.5 foot-candles at the property lines. The photometric plan meets the Village standards.

Signage – Wall

The proposed Popeyes sign plan includes five (5) wall signs. The proposed wall signage includes “Popeyes Louisiana Kitchen” signs on the west elevation, facing Route 47, and on the east elevation facing the access drive. The restaurant’s round “building seal” logo will be located on both the north and south elevations. The south elevation also includes a non-illuminated acrylic wall sign stating “love that chicken”.

The proposed wall sign package breaks-down as follows:

Building elevation	Number of signs allowed	Number of signs proposed	Square footage of signs allowed	Square footage of signs proposed	Relief required
West (front)	1	1 ⁽¹⁾	26 SF Total for all signs	52.55 SF	None
East (rear)	0	1 ⁽¹⁾	--	52.55 SF	For one (1) sign
North (side drive-thru)	0	1 ⁽²⁾	--	7.07 SF	For one (1) sign
South (side)	0	2 ^(2 & 3)	--	7.07 SF and 94.92 SF	For two (2) signs
Total	1	5	26 SF	214.16 SF	Four (4) additional Signs and additional 188.16 square feet

The three (3) types of proposed walls signs are:

- (1) “Popeyes Louisiana Kitchen” sign, illuminated – 52.55 sf
- (2) “Popeyes” circle building seal sign, illuminated – 7.07 sf
- (3) “Love That Chicken” acrylic FCO letters, non-illuminated, 94.92 sf

Signage – Ground

The proposed ground signage for the restaurant consists of a ten (10’) foot tall monument sign adjacent to Route 47 that will be constructed of brick to match the building and will include an Electronic Message Center. The sign will be two sided a two-sided and the sign face will measure 3’ x 7’ (21 square foot/side, which includes a 6 square foot Electronic Message Center). The Electronic Message Center is prohibited by the Village’s Sign Regulations; therefore, the message board will require relief to be approved by the Village Board.

Required Relief

The plans, as presented, shall require the following relief from Zoning Ordinance requirements:

Signage

1. The Sign Ordinance allows one wall sign per tenant or one per street frontage. The subject site has street frontage only on Route 47, therefore, allowing one (1) wall sign by right. Relief is required to allow four (4) additional wall signs and an additional 188.16 square feet of wall signage. Such relief is consistent with relief approved for McDonald’s, Panda Express, and Burger King.
2. The ground sign includes an Electronic Message Board, which is prohibited by the Village’s Sign Regulations; therefore, the message board will require relief.

Village Board Conceptual Review

The Village Board reviewed conceptual plans for the project on February 13, 2020. A comment was provided regarding the width of the drive-through entrance not being wide enough for two vehicles. Specifically, there was a concern that there was not enough room to pass a vehicle should someone wish to exit the drive-through. In response, the petitioner has revised the site plan to increase the width of the drive-through entrance.

Plan Commission Recommendation

The Plan Commission reviewed the petitioner's request on May 11, 2020, and, with no members of the public offering comments in favor or opposition to the request, recommended approval of the petition by a vote of 7 to 0, subject to the following conditions:

1. All public improvements and site development must occur in full compliance with the submitted plans (see list of exhibits) and all other applicable Village Municipal Services (Engineering, Public Works, Planning and Building) site design standards, practices and permit requirements.
2. The petitioner will comply with all final engineering revisions to be approved by the Village Engineer and Development Services Department.
3. The Village of Huntley will require adherence to Illinois drainage law and best management practices for stormwater management. The petitioner, its agents and assignees are responsible for not increasing the rate of stormwater runoff and will be required, to the extent practicable, to minimize any increase in runoff volume through "retention" and design of multi stage outlet structures.
4. The petitioner shall obtain final approval of the Landscape Plan from the Development Services Department.
5. All permanent and seasonal plantings must be replaced immediately upon decline.
6. In accordance with the Village's Commercial Design Guidelines, screens, dormers or other features are required to conceal rooftop mechanical equipment on all sides of the structure if the Development Services Department determines that the parapet walls, as proposed, do not fully screen said equipment.
7. The petitioner is required to meet all development requirements of the Huntley Fire Protection District.
8. No building plans or permits are approved as part of this submittal.
9. No sign permits are approved as part of this submittal.
10. The electronic message board sign shall contain static messages only and shall not have movement or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity other than that provided through an automatic dimming system to control overall illumination intensity. Each message on the sign shall be displayed for a minimum of 10 seconds. The change of messages must be accomplished immediately.

Conditions added by the Plan Commission:

11. The petitioner shall work with Development Services staff to increase the drive-through drive aisle width at the east entrance in order to provide escape access for cars entering the drive through. *The petitioner has revised the site plan to address this condition.*
12. Trash pickups must be scheduled during off-peak hours.

Strategic Plan Priority

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

Director Nordman stated that the architect for the project was on the call to answer questions.

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

Trustee Leopold asked if the ground sign had the same setback as the McDonald’s sign; Director Nordman reported that the Popeyes sign was further back due to the location of the stormwater detention pond.

Mayor Sass stated that people will be able to see the signs on the building.

Trustee Kanakaris stated that the ground sign is set too far back.

There were no other comments or questions.

A MOTION was made to approve an Ordinance for a Final Planned Unit Development for a ±2,454 Square Foot Restaurant, including any necessary relief, and a Special Use Permit for a Drive-Through for Popeyes Louisiana Kitchen, on Lot 3 of Huntley Crossings, Phase 2, Plat 1.

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 – Approving a Business Development Agreement Term Sheet for Woodstock Hotel, Inc. for a Hampton Inn at Huntley Crossings Phase 1

Interim Village Manager Lisa Armour reported that the contract purchaser is seeking to purchase 11 acres at Huntley Crossings Phase I, the former Home Depot site, for a Hampton Inn hotel. Mr. Patel previously appeared before the Village Board for a concept review of a Holiday Inn Express at Regency Square. Mr. Patel is now proposing a Hampton Inn with approximately 95 rooms, an indoor pool and banquet room. The hotel would be built on approximately two acres near the extension of the north-south access road that serves Huntley Crossings Phase 1. In January, the Village Board approved a resolution authorizing staff to enter negotiations for a business development agreement with Mr. Patel. At the time, a different developer was also seeking to negotiate a business development agreement for a hotel on another site. The other developer has indicated that he is not moving forward at this time, and the contract purchaser is still interested in moving forward at Huntley Crossings Phase 1.

Staff Analysis

The site is zoned “B-3 PUD” and a hotel is a permitted use. The term sheet represents the petitioner’s request for the following incentives:

- 15-year rebate of 85% of hotel/motel tax revenue, capped at a maximum of \$2,500,000 (based on increasing the rate from 5% to 7%)
- 15-year abatement of 85% of Village’s share of property tax, capped at a maximum of \$150,000

The contract purchaser has expressed interest in starting construction later this year, with an opening in 2021.

Strategic Plan Priority

The 2016-2020 Strategic Plan identifies “*Promote New Business Development, Retention, and Expansion*” as a priority, and “secure a commitment for the construction of a hotel” as an objective.

Financial Impact

The estimated project cost is \$11.5 million. Hotel tax revenue based on a rate of 7% is projected to generate \$50,000 in the first year of occupancy and increase annually as occupancy rates increase to a projected level of \$195,000 by year nine. Per the proposed term sheet, the Village would receive 15% of this revenue. The estimated property tax for the Village for the first full year of assessment is approximately \$6,000. Per the proposed term sheet, the Village would receive 15% of this revenue.

Legal Analysis

The non-binding term sheet outlines the parameters of the formal agreement. If the term sheet is approved, staff will move forward with preparing a Business Development Agreement for Village Board approval at a future date.

Interim Village Manager Armour reported that the petitioner Henry Patel was on the call to answer questions.

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

Trustee Leopold stated that by entering into this agreement the Village is not giving away anything away until the Village gets something first. Trustee Leopold stated that he has lived in the Village for 21 years and since that time, the residents have wanted a hotel. Trustee Leopold stated that he would prefer that the Village receive 20% and not 15%.

Mr. Patel stated that he has been in the Village for 20 years and loyal to the town. Mr. Patel stated that this project shows his commitment to the Village and that now bringing a better franchise could possibly improve the area. Mr. Patel stated that his project is a big investment in Huntley and with the open area around the hotel it could also bring restaurants. Mr. Patel stated that construction loans are more expensive at this time and that he has received support for the project by American Community Bank. Mr. Patel stated that he would like to begin construction this July.

Mayor Sass also noted that at this location, Mr. Patel will also have to pay the Kane County Transportation Fee.

Trustee Kanakaris stated that he was excited to have a Hampton Inn and it being located on a larger parcel. Trustee Kanakaris stated that the incentive would not be coming out of the Village’s pockets and that the restaurants will benefit from the hotel. Trustee Kanakaris stated that he wants the parking lot to be large enough for vehicles with trailers/boats. Mr. Patel stated that he will have room for larger vehicle parking.

Trustee Goldman thanked Mr. Patel for bringing a Hampton Inn with a banquet room and for investing in Huntley.

Mr. Patel stated that he is working to make it look more presentable and not like an apartment building as he will have over 300 feet of Route 47 frontage and he is certain that it will attract more businesses.

Trustee Kanakaris asked if Mr. Patel will have the first right of refusal should a request for another hotel come forward? Interim Village Manager Armour stated that the petitioner had previously requested no new hotel approvals for 5-years. Trustee Kanakaris stated that he would like to give Mr. Patel a six month right of refusal; Trustee Leopold agreed. Trustee Piwko stated that like everything else in the Village we will need a second hotel north near Talamore.

Mr. Patel assured the Village Board that he will do a good job and stated that he would appreciate a right of refusal as in good times it takes up to five (5) years to be profitable.

Trustee Westberg thanked Mr. Patel and stated he was happy it will be a Hampton Inn. Trustee Westberg asked Mr. Patel to now get a gas station on the north side of town.

Trustee Hoeft stated that everything looks good and that he was happy it was a Hampton Inn.

Trustee Piwko stated that he was good with the proposal and happy that it will have a banquet hall.

Mr. Patel stated that it will be a party room and that food will need to be brought in as there is no restaurant on site.

There were no other comments or questions.

A MOTION was made to approve a Business Development Agreement Term Sheet for Woodstock Hotel, Inc. for a Hampton Inn at Huntley Crossings Phase 1.

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

- h) Consideration – A Resolution Amending the Local Public Agency Agreement for Federal Participation and Appropriating an Additional \$39,749.00 for the Reed Road Multi-Use Path Construction Project

Director of Public Works and Engineering Timothy Farrell reported that 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 has been awarded an ITEP grant in the amount of \$192,000.00, representing 80% of the costs for Phase II and Phase III engineering and estimated construction cost of the MUP. The remaining project costs are to be matched by the Village. The Phase I Engineering, funded entirely by the Village, and Phase II Engineering has been completed. A breakdown of the original estimated 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 Cost Estimate	\$160,000	\$40,000	\$200,000
Total Project Costs	\$191,994.96	\$62,998.74	\$254,993.70

On January 23, 2020 the Village authorized the Local Public Agency (LPA) Agreement for Federal Participation appropriating \$44,000.00 and also approved a Construction Engineering Services Agreement for Federal Participation to Christopher B. Burke Engineering, Ltd in an Amount Not To Exceed \$19,993.70 for the Reed Road Multi-Use Path project.

The project was on the April 24, 2020 IDOT Bid Letting with a summary of the Bids as follows:

Bid Tabulation Summary:

COMPANY	BID AMOUNT
<i>Engineer's Estimate (2017)</i>	<i>\$200,000.00</i>
MARTAM CONSTRUCTION, INC.	\$239,749.00
COPENHAVER CONSTRUCTION, INC.	\$245,077.02
LANDMARK CONTRACTORS, INC.	\$261,214.80
ALLIANCE CONTRACTORS, INC.	\$271,065.50
ALAMP CONCRETE CONTRACTORS, INC.	\$296,001.70

Staff Analysis

The low Bid came in at \$39,749.00 over the 2017 Engineer's Estimate. Therefore, to proceed with the project, an amendment to the LPA Agreement appropriating the additional funds must be approved. A breakdown of the current 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 Cost Bid	\$160,000	\$79,749.00	\$239,749.00
Total Project Costs	\$191,994.96	\$102,747.74	\$294,742.70

With an approved LPA Agreement amendment, staff will inform the IDOT ITEP Coordinator to proceed with the award of the project to the low bidder and request additional funds through ITEP. However, ITEP funds are limited and the additional amount is not guaranteed. If additional funding is not available, the Village would cover the full overage of the construction costs greater than the ITEP funding agreement. Also, if approved, the process to receive additional funding may not be completed until well after the start and completion of construction so it would likely be in the form of a reimbursement.

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 FY20 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. The additional \$39,749.00 can be absorbed by the fund balance if necessary.

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

A MOTION was made to approve a Resolution Amending the Local Public Agency Agreement for Federal Participation and Appropriating an Additional \$39,749.00 for the Reed Road Multi-Use Path Construction 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**

- i) Consideration – A Resolution Authorizing the Bid Award to Visu-Sewer, Inc. for the Municipal Partnering Initiative (MPI) Sewer Televising and Lining Program

Director of Public Works and Engineering Timothy Farrell reported that sewer lining allows the Village to repair sewers more cost effectively with minimal disruption to surrounding neighborhoods and businesses. Sewer lining targets tree root intrusion and minor pipe imperfections that allow inflow and infiltration (I&I) of groundwater and stormwater that can enter the collection systems where they are forced to transport and treat more flow than designed to handle.

On May 7, 2020, the Village received bids from four contractors for the 2020 Municipal Partnering Initiative (MPI) Sewer Televising and Lining Program. The MPI is a municipality-based buying initiative where agencies join forces to procure a wide range of public services in an effort to tap economies of scale. The Village of Huntley was the lead MPI agency for this project and prepared the necessary contract bid documents. The four participating agencies included the Village of Huntley, Village of Cary, Village of Algonquin, and the City of Woodstock. The municipalities reserved the right to renew this contract for up to two additional one-year periods for 2021 and 2022.

The Year 1 (2020) bid results using the quantities from all four participating municipalities are summarized as follows:

<i>Engineers Estimate</i>	<i>\$398,200.00</i>
Visu-Sewer, Inc.	\$314,347.50
Insituform Technologies USA, LLC	\$321,450.00
Benchmark Construction CO, INC.	\$360,700.00
Hoerr Construction, Inc.	\$445,750.00

Visu-Sewer, Inc. was the lowest responsible bidder in the amount of \$314,347.50 (Bid Tab enclosed). Using only the Village of Huntley planned quantities, Visu-Sewer remained the lowest responsible bidder in the amount of \$72,441.25 (Bid Tab enclosed).

The 2020 Sewer Televising & Lining Program consists of televising and lining approximately 1,865 lineal feet of sanitary sewers along with lining seven manholes in the targeted areas as follows:

- Donald Drive (Sewer Lining)
- Huntley-Dundee Road (Sewer Lining)
- North Street (Sewer Lining)

- Woodstock Street (Sewer Lining & Manhole Lining)

Staff Analysis

The bids have been reviewed by Public Works and Engineering Department Staff. All is in order to award the bid to Visu-Sewer, Inc. for the 2020 Sewer Televising & Lining Program.

Financial Impact

The FY20 Budget includes \$75,000.00 in the Wastewater Capital Improvement and Equipment Fund, 525-00-00-8005 for the 2020 Sewer Televising & Lining Program.

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

A MOTION was made to approve a Resolution Authorizing a Bid Award for the 2020 Sewer Televising & Lining Program to Visu-Sewer, Inc. in the amount of \$72,441.25.

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

- j) Consideration – A Resolution Authorizing a Fireworks Display Agreement with the Huntley Park District

Special Events Manager Barbara Read reported that as gatherings are subject to regulations by the State and Governor as it relates to Covid-19, the annual Independence Day Fireworks Display held in Deicke Park and Warrington Park on July 4, 2020 has been moved to Saturday, September 5, 2020 (rain date September 6th) if restrictions are eased in order to allow public gatherings.

Staff Analysis

Parking and Traffic

As outlined in the agreement, the Village is responsible to attempt to obtain permission from the owner of the old North school parcel for off-site parking. If the lot is available, Village Staff will set up the parking lanes on the old North school site in a manner comparable to the parking program used for Huntley Fall Fest. If the North school parcel is not available, parking will be set up as planned for the 2019 Huntley Fall Fest on site. With the possible assistance of CPA Volunteers, Police Explorers and Staff, the Village will coordinate safe and efficient parking in the designated parking areas.

The Police Department will conduct traffic control before and after the event and, to accommodate additional parking, the east side of Kreutzer Road from Princeton Drive to Main Street will be available for overflow and is an optimal viewing area for the public.

Event Set Up / Clean Up

Village Staff will assist Park District staff with the installation of snow fencing and/or barriers, around the required, closed area designated as the area where the display will be conducted.

The Village will work with the Park District to ensure that sufficient port-o-lets and trash receptacles are placed throughout Deicke Park and Warrington Park.

As it is done each year, Mad Bomber will obtain the appropriate approvals from the Huntley Fire Protection District for the display. Mad Bomber will also name the Huntley Park District and the Village of Huntley as an additional insured on the Certificate of Liability Insurance obtained for the event.

As done each year, the Village will be responsible for clean up after the event.

Financial Impact

Expenses for the Independence Day Fireworks Display come from line item 100-10-00-6352 (Special Events).

Legal Analysis

The Village Attorney and the Park District Attorney have reviewed the agreement and it will also go before the Park District Board for approval.

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

A MOTION was made to approve a Resolution Authorizing the Fireworks Display Agreement with the Huntley Park District for 2020 on September 5th (Rain date: September 6th).

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

- k) Consideration – A Resolution Waiving the Formal Bidding Process and Authorizing a Fireworks Display Agreement with Mad Bomber Fireworks Productions for the period 2020-2023 in an amount not-to-exceed \$25,000

Special Events Manager Barbara Read reported that the Village has contracted with Mad Bomber for the annual fireworks displays from 1997 through 2001 and again from 2004 through 2019. The annual fireworks display is typically held at Deicke Park and Warrington Park on July 4th.

In 2016, a Request for Proposals (RFP) was published for the Independence Day Fireworks Show and Mad Bomber was the only company that submitted a proposal.

Staff Analysis

For the past four (4) years, Mad Bomber presented a 25-30 minute show at the cost of \$20,000. Mad Bomber has submitted a proposal for \$25,000 with the option of extending the contract for three (3) additional years at the same amount.

This year, due to COVID-19 and Governor Pritzker’s Executive Order and Restore Illinois plan, the 2020 Fireworks Display has been rescheduled to September 5, 2020 (rain date September 6, 2020).

Financial Impact

The contract amount of \$25,000 is included in FY2020 Budget Line Item 100-1000-6352 (Special Events).

Legal Analysis

The Agreement has been reviewed and all is in order for consideration.

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

A MOTION was made to approve a Resolution Waiving the Formal Bidding Process and Authorizing a Fireworks Display Agreement with Mad Bomber Fireworks Productions for the period 2020-2023 in an amount not-to-exceed \$25,000.

MOTION: Trustee Piwko

SECOND: Trustee Westberg

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- 1) Discussion – An Ordinance Amending Section 110.14 of the Liquor Code, Drinking in Public Places to allow a Designated Outdoor Refreshment Area (DORA) during certain Village-Sponsored Special Events in the Downtown Area

Special Events Manager Barbara Read reported that at the March 12, 2020 Village Board Meeting, Staff was given direction to proceed to the Liquor Commission to amend Section 110.14 of the Liquor Code, Drinking in Public Places thus allowing guests to consume alcohol purchased at downtown businesses located within the Designated Outdoor Refreshment Area (DORA) as well as alcohol purchased elsewhere during certain Village-sponsored events. The amendment would be on a trial basis for the 2020 event season.

Section 110.14 of the Liquor Code, Drinking in Public Places currently states, “No person shall openly drink or furnish to others any alcoholic liquor to drink upon any street, sidewalk, or public place within the Village unless otherwise permitted under this code.”

Staff Analysis

The amendment to the Liquor Code would allow the public to consume alcoholic beverages that they either brought in (BYOB) as well as allow alcoholic beverages that they purchased at a business within the DORA boundary during the following events only:

- Concerts in the Square on July 7, July 14, July 21, July 28, August 4, August 11, and August 18 from 6:00 p.m. to 9:00 p.m. (or the rescheduled dates, if necessary)
- 1st Friday Nights on July 3, August 7, September 4, and October 2 from 7:00 p.m. to 10:00 p.m. (or the rescheduled dates, if necessary)

DORA Boundaries:

- Main Street from the eastern edge of Huntley Eye Care to the southeast corner of Main and Church Street.
- The southeast corner of Main and Church Street to the northeast corner of Church and Coral Street
- The Northeast Corner of Coral Street at Church to the northwest corner of Coral Street and Woodstock Street

- The Northwest corner of Woodstock Street at Coral Street to the northwest corner of Main Street and Woodstock Street
- The northwest corner Main at Woodstock Street to the northeast corner of Main Street at Dwyer Street.

Participating Business Conditions:

- Any business that holds a liquor license within the DORA boundary that wishes to participate will need to register with the Village.
- The registration will require the business to: a) sign and agree to the conditions of the program; b) name the Village as an additional insured on their insurance certificates (both liquor liability and general liability); c) check IDs of everyone wanting to remove alcohol from their business; and d) apply the required DORA wristband (purchased from the Village) to each person removing and/or consuming alcohol from the participating business.

Financial Impact

While there is no financial impact to the Village, the program may enhance the participating businesses during the approved events.

Legal Analysis

An amendment to the Village Code, Title XI Business Regulations; Section 110.14 Drinking in Public Places is required to allow for the Designated Outdoor Refreshment Area during the noted Village sponsored special events.

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

A MOTION was made to approve an Ordinance Amending Section 110.14 of the Liquor Code, Drinking in Public Places to allow consumption of alcoholic beverages in the Designated Outdoor Refreshment Area (DORA) during certain Village-Sponsored Special Events.

- 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**

- m) Consideration – An Ordinance Amending the Fiscal Year-End December 31, 2020 Budget and Approving the Carryover of Fiscal Year-End December 31, 2019 Expenses into the Fiscal Year-End December 31, 2020 Budget

Director of Finance Cathy Haley reported that five (5) items that had been budgeted for in FY19 were not completed or received by December 31, 2019. The unexpended budgeted dollars within the FY19 budget are now being requested to be carried in to FY20.

Staff Analysis

With the FY19 audit being finalized, the remaining budget dollars from FY19 can now be carried forward in to FY20 for projects that were not completed or items not received by December 31, 2019. Listed below are the amounts being requested for budget carry-over dollars from FY19 into FY20. Work continues to be

done on the EOC room over in the basement of the Police Department and the New World/Executime projects are multi-year projects. The More Brewing Company Incentive Agreement, approved by the Board in 2019, was approved for final payment in February of 2020. The one revenue tied to the Reed Road extension project will be received once this project has been completed. This project was re-budgeted in FY20 as it was not started in FY19 due to delays at the State. Any budgeted dollars not expensed in FY19 are being requested to be moved in to FY20 to align with the expenditures. Only those budgeted dollars not expensed will be moved forward in to the FY20 budget year.

Fund	Account Number	Amount	
Capital Projects Fund			
IDOT Reimbursement Revenue	400-00-00-4450	\$32,000	IDOT Reimbursement
Building & Facility Improvements	400-00-00-8003	\$33,218	EOC Completion
Economic Development Incentive	400-00-00-8200	\$75,000	More Brewing Co. Agreement
Equipment Replacement Fund			
General Government-Equipment	480-00-00-8120	\$21,165	New World Project - Final Phase
IT - Hardware	480-00-00-8210	\$19,463	Executime Project
Water Capital & Equipment Fund			
IT - Hardware	515-00-00-8210	\$21,295	New World Project - Final Phase
Wastewater Capital and Equipment Fund			
IT - Hardware	525-00-00-8210	\$2,743	New World Project - Final Phase

Financial Impact

The FY20 budget will be increased by this dollar amount in these funds. However, all items were approved and incorporated into the FY19 budget and actual expenditure projections. Therefore, total projected fund balance for FY20 has not changed due to the amendment.

Legal Analysis

Generally Accepted Accounting Principles (GAAP) dictate when an expense can be recognized based on delivery date or completion date. Sikich, the Village’s audit firm, has reviewed this amendment.

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

A MOTION was made to approve an Ordinance Amending the Fiscal Year-End December 31, 2020 Budget and Approving the Carryover of Fiscal Year-End December 31, 2019 Expenses into the Fiscal Year-End December 31, 2020 Budget.

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

- n) Consideration – A Resolution Temporarily Permitting Consumption of Alcoholic Beverages in Designated Outdoor Public Spaces, Subject to Certain Limitations

Interim Village Manager Lisa Armour reported that it is anticipated that the State's Re-Opening Plan in response to the Covid-19 pandemic will authorize restaurants to re-open outdoor dining facilities subject to restrictions and limitations as early as May 29, 2020. However, restaurants will not be permitted to re-open indoor dining facilities until a later phase of the plan. Per Village Board discussion on May 14th, staff has worked with Special Counsel to draft a resolution that will allow for the consumption of alcoholic beverages on a temporary basis in designated outdoor public spaces, subject to certain limitations. This accommodation is being made to provide additional areas for consumption of takeout food and alcohol (the Town Square). It would also allow the municipal parking lot behind Parkside Pub and Village Inn, as well as the municipal lot behind the BBQ King to be utilized for food and alcohol service.

Staff Analysis

In order to allow for alcohol consumption on public property, it is necessary to temporarily suspend enforcement of Section 110.14 of the Liquor Code in certain designated outdoor public spaces within the Village's downtown. These spaces have been identified as the Town Square (Designated Public Space A), the Main Street municipal lot (Designated Public Space B), and the First Street municipal lot (Designated Public Space C).

Key elements of the resolution to temporarily permit consumption of alcoholic beverages in designated outdoor public spaces include:

- (a) Open containers of alcohol may not be carried into or out of the Designated Public Space A.
- (b) Alcohol may be served by BASSET trained employees in Designated Public Space B or C.
- (c) Possession of open containers and consumption of alcoholic beverages within the Designated Public Space A shall be permitted only between the hours of 11:00 a.m. and 9:00 p.m. and between the hours of 11:00 a.m. and 10:00 p.m. in Designated Public Spaces B and C.

Signage will be placed at the Square regarding hours of use associated with consumption of alcohol, age requirements, limitation of six per party, and a time limit of 60 minutes. No smoking or vaping will be allowed.

This allows for takeout food and alcohol orders to be purchased and consumed within the Square. Approximately 11 picnic tables (on loan to the Village from the Huntley Park District) are proposed to be placed within the Square.

Service of alcohol would only take place in the municipal lots behind the restaurants that are adjacent to these locations. Since the restaurants will still be operating at limited capacity, it is unlikely that any parking issues would be created if a small number of parking spaces were to be utilized for outdoor seating. An ordinance establishing a temporary outdoor dining program is included as a separate ordinance for Village Board consideration. The approval of this resolution will serve as Village approval for those restaurants utilizing Designated Public Spaces B and C subject to approval of an outdoor dining permit as outlined in the ordinance for the temporary outdoor dining program.

Legal Analysis

The draft resolution was prepared by Special Counsel.

Mayor Sass stated that the tables should be moved closer to the sidewalk to allow for more tables.

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

Trustee Leopold asked for clarification of markings on the exhibit; Mayor Sass explained those were benches currently at the Square.

Trustee Kanakarlis said the more tables the better and to allow alcoholic beverages to be brought out from the businesses. Manager Armour explained that alcoholic beverages can be brought out in sealed containers.

There were no other comments or questions.

A MOTION was made to approve a Resolution Temporarily Permitting Consumption of Alcoholic Beverages in Designated Outdoor Public Spaces, Subject to Certain Limitations.

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

- o) Consideration – An Ordinance Establishing a Temporary Outdoor Dining Program to Facilitate Phased Re-Opening of Restaurant Businesses During the Covid-19 Pandemic

Interim Village Manager Lisa Armour reported that it is anticipated that the State’s Re-Opening Plan in response to the Covid-19 pandemic will authorize restaurants to re-open outdoor dining facilities subject to restrictions and limitations as early as May 29, 2020. However, restaurants will not be permitted to re-open indoor dining facilities until a later phase of the plan. Per Village Board discussion on May 14th, staff has worked with Special Counsel to draft an ordinance establishing a temporary outdoor dining program. The program would be available for any restaurant/bar in the Village. Since outdoor dining will be allowed by the State as part of Phase 3 of the Re-Opening Plan, outdoor dining areas may be on public or private properties subject to the approval of the property owner.

Staff Analysis

The re-opening guidelines for restaurants and bars require increased spacing between tables in outdoor service areas to accommodate social distancing. In order to increase the amount of seating capacity available outdoors, a temporary outdoor dining program is proposed. A no-cost permit would be required to authorize a restaurant to establish a new or expanded outdoor dining area. A temporary outdoor dining permit would be issued to a restaurant for property owned, leased, or otherwise authorized to occupy for the term of the permit. Staff has reached out to local restaurants to determine interest in expanding outdoor dining areas and several restaurants have expressed interest in doing so.

The permit application would require a site plan to identify the location and layout of all outdoor dining facilities, waiting areas, barriers, and emergency access routes as applicable. Part of the review process would be to ensure that sufficient parking is available and that safe access routes are maintained. Each permit shall identify the hours of operation for the outdoor dining facilities. Permits shall expire no later than November 30, 2020. The permit also allows for the modification of the applicant’s liquor license for 2020, if applicable, to temporarily modify the boundaries of the licensed premises to include the new or expanded outdoor dining facilities. The only public areas potentially available for use are the municipal lots behind Parkside Pub and Village Inn and behind BBQ King.

Legal Analysis

The draft ordinance was prepared by Special Counsel.

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

Trustee Leopold asked if wait staff service would take place on the Square; Manager Armour reported that the space on the Square would be used for carry-out service.

Trustee Kanakaris asked if mixed drinks could be served to the extended outdoor seating areas in parking lots adjacent to the restaurants. Interim Village Manager Armour said that businesses could with a temporary outdoor dining permit that Staff has already been working with the restaurants to provide information. Interim Village Manager Armour reported that the permit process is very quick but is needed to ensure the safety of the patrons and businesses.

Trustee Piwko asked for a list of the participating businesses; Interim Village Manager Armour reported that it will be included in the Manager's Report.

Trustee Westberg stated that he was very supportive of getting the businesses going. Interim Village Manager Armour stated it was the intention to turn around the permits immediately.

There were no additional questions.

A MOTION was made to approve an Ordinance Establishing a Temporary Outdoor Dining Program to Facilitate Phased Re-Opening of Restaurant Businesses During the Covid-19 Pandemic.

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

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT:

Trustee Piwko asked about the used car dealer, Sardar Motors, and noted that they are still selling cars. Interim Village Manager Armour reported that Sardar is looking to get cars to auction in June and stated the Village Board could still pursue revocation of the special use permit. Trustee Piwko stated that he would like it to be brought before the Village Board. Trustee Westberg said he did not think it should come back before the Board as he is removing the cars in June. Mayor Sass stated that it was the property owner that lied to the Board and not Sardar so he felt to wait until the cars are removed in June. Director Nordman reported that he had been in contact with Sardar who said he is just waiting for the auto auction for an on-site auction. Mayor Sass asked Staff to continue to follow up with Sardar.

Trustee Leopold noted Panera's excuse of the pandemic for not starting construction this year. Trustee Goldman asked if the Village could force them to begin; Mayor Sass said that the Village could not force them to begin.

Trustee Westberg asked if the Board could meet in person in June; Mayor Sass stated that the Board will

meet in person during the pandemic if there is something that required face to face interaction.

VILLAGE PRESIDENT’S REPORT:

a) 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. The declaration was extended on April 9, 2020, again on April 23, 2020, and again on May 14th. As a result, the current declaration expires as of May 28th.

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.

A MOTION was made to extend the Declaration of Local State of Emergency.

MOTION: Trustee Westberg

SECOND: Trustee Piwko

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

NAYS: None

ABSENT: None

The motion carried: 6-0-0

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 9:00 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Hoeft

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary