

**VILLAGE OF HUNTLEY
COMMITTEE OF THE WHOLE MEETING
April 5, 2012
MINUTES**

CALL TO ORDER:

A meeting of the Committee of the Whole of the Village of Huntley was called to order on Thursday, April 5, 2012 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles Sass; Trustees: Pam Fender, Ron Hahn, Niko Kanakaris, Harry Leopold and John Piwko.

ABSENT: Trustee Nick Hanson

IN ATTENDANCE: Village Manager David Johnson, Senior Assistant to the Village Manager Lisa Armour, Management Assistant Barbara Read, Director of Finance and Human Resource Jennifer Chernak and Village Attorney Mike Coppedge.

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

SPECIAL PRESENTATION:

- a) Proclamation – Child Abuse Prevention Month / Help Keep Our Families Strong

Mayor Sass read the following proclamation:

**Child Abuse Prevention Month
Help keep our kids safe and our families strong!
Proclamation**

WHEREAS, child abuse and neglect are complex and ongoing problems in our society, affecting children and teens across the nation; and

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the threats, dangers, and harmful effects of child abuse and neglect; and

WHEREAS, it is the responsibility of every adult who comes in contact with a child to protect that child's inalienable right to a safe and nurturing childhood; and

WHEREAS, affective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community: and

WHEREAS, the Village of Huntley has dedicated the month of April to be recognized as a month to Celebrate Our Children and help support the Blue Ribbon Child Abuse Prevention Campaign

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Charles H. Sass, Village President hereby proclaims the month of April 2012, to be Child Abuse and Neglect Prevention Month. The Village of Huntley Board of Trustees commends this observance during April 2012 to It's Our Little Secret and to the citizens of Huntley.

Dated this 5th day of April 2012.

PUBLIC HEARING:

- a) Adoption of the Village of Huntley Electric Aggregation Program Plan of Operations and Governance

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

A MOTION was made to open the public hearing at 7:01 p.m. regarding the Adoption of the Village of Huntley Electric Aggregation Program Plan of Operations and Governance.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

The Voice Vote noted all ayes and the motion carried.

Mayor Sass reported that the Village is required to hold two (2) public hearings to explain the details of the Plan of Operations and Governance that will be used to administer the NIGEAC Program. The second public hearing will take place at the April 12, 2012 Village Board meeting.

Mayor Sass introduced Mr. Mark Burns, President of Independent Energy Consultants, Inc. who reviewed a Power Point Presentation on the Plan of Operations and Governance and answered questions from the Public and Board of Trustees.

Recording Secretary's Note: Mr. Burns' presentation was videotaped and may be found on the Village's website.

A MOTION was made to close the public hearing at 8:07 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Leopold

The Voice Vote noted all ayes and the motion carried.

PUBLIC COMMENTS: None

ITEMS FOR DISCUSSION:

- a) Discussion – Ordinance (O)2012-04.13 – Adoption of the Village of Huntley Electric Aggregation Program Plan of Operations and Governance

The Village Board of Trustees had the following questions and or comments:

Trustee Fender asked if the Village was making any money from the Electric Aggregation Program. Mr. Burns replied no and stated that this program is voluntary. Trustee Fender asked what ARES was; Mr. Burns reported that ARES stood for: Alternative Retail Electric Supplier. Trustee Fender asked how often the Village will go out to bid for electricity suppliers; Mr. Burns said that typically a 2-3 year agreement with a supplier is entered but did not know how long exactly this agreement will be until the Consortium receives the bids and reviews them.

Trustee Kanakaris asked what the anticipated savings will be on an average bill for the supply of electricity; Mr. Burns that currently customers may realize a savings of approximately 25-30% on the supply portion of the bill.

Trustee Hahn asked what happens should the supplier go out of business; Mr. Burns reported that by law ComEd is the provider of last resort meaning that electric service will continue using ComEd's supplier, if

necessary.

Trustee Leopold clarified that the decrease will only apply to the supply portion of the bill; Mr. Burns agreed and said that the supply portion will be the only price to compare.

Mayor Sass asked for clarification of opting out and any possible charges. Mr. Burns reported that residents will have three opportunities to opt-out of the program at no additional cost: 1) during the initial 21-day opt out period; 2) during the ComEd 5-day rescinding period; and, every three (3) years or at the end of the initial contract. Mr. Burns reported that, through the bid process, the Consortium is hoping to eliminate any possible fees for exiting the program during any other time.

There were no other comments or questions from the Village Board.

Village Manager Johnson reported that the April 12, 2012 Village Board Agenda will also include an ordinance amending the Intergovernmental Agreement for the Northern Illinois Governmental Electrical Aggregation Consortium removing those communities which had a failed referendum. This housekeeping item is required to move forward with the Plan of Operations and Governance. Mayor Sass asked if the Committee had any comments or questions on this item; there were none.

It was the consensus of the Committee of the Whole that after the second public hearing on April 12th to forward to the Village Board for approval Ordinance (O)2012-04.13 – Adoption of the Village of Huntley Electric Aggregation Program Plan of Operations and Governance.

- b) Discussion – Ordinance (O)2012-04.14 – Granting Off-Premise Sign Permits and Sign Permit Fee Waiver for Ball Field Banners for Five (5) Years for Huntley Youth Baseball Association

Mayor Sass reported that the Huntley Youth Baseball Association (HYBLL) is a non-profit 501(C)3 organization that relies solely on the support of parents and sponsors to provide the financial support necessary to provide proper equipment, uniforms, league fees, tournament fees, and related team expenses for over 600 young athletes in the area.

Last season HYBLL received approval to install sponsor banners along the outfield fences within the various Huntley Park District baseball fields at Stingray Bay, Betsey Warrington and Deicke Parks. Similarly, HYBLL is requesting approval to post the same banners on the baseball field fences within the specified Huntley Park District parks. The request would allow HYBLL to display the banners from 2012 through 2016. The banners displayed will promote HYBLL partners who have pledged a monetary donation to the organization and HYBLL is responsible for the design and maintenance of the banners. The number of banners is dependent upon the number of sponsors donating to the organization through the banner program.

The following seven (7) Huntley Park District baseball fields will have banners installed along the outfield fences:

1. Three (3) Stingray Bay Baseball Fields
2. Two (2) Betsey Warrington Park Baseball Fields
3. One (1) Deicke Park Baseball Field
4. One (1) Weiss Park (Southwind) Baseball Field

The Village's Sign Regulations allow off-premise signs provided they receive Village Board approval.

Staff Analysis

Staff recommends the following conditions be added should the Village Board approve the amendment to the off-premise banner permit request:

1. All banners shall be maintained in good condition at all times.
2. Installation of the proposed banners may begin April 13, 2012 and banners shall be removed by October 31, 2012.
3. Installation of the banners is further permitted April 1st through October 31st, 2013 through 2016, with the banners removed on or before October 31st of each respective year.

Financial Impact

HYBLL, a not-for-profit organization, has requested the Sign Permit Fee be waived for the banners.

Legal Analysis

The Village Board's authorization for this request is required in accordance with Zoning Ordinance - Sign Regulations §156.121 (G) (1) which addresses Off-Premise Signs.

Mayor Sass asked if the Committee had any comments or questions.

Trustee Leopold asked if HYBLL had a fall program; Mayor Sass said yes.

There were no other comments or questions.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval Ordinance (O)2012-04.14 – An Ordinance Granting Off-Premise Sign Permits and Sign Permit Fee Waiver for ball field banners for five (5) years for Huntley Youth Baseball Association.

- c) Discussion – Ordinance (O)2012-04.15 – An Ordinance Approving a Zoning Ordinance Text Amendment to allow a Radio Studio as a Special Use in the “R-1” Single Family Residence District and consideration of a Special Use Permit to allow a Radio Studio in the “R-1” Single Family Residence zoned property at 11419 S. Route 47, all pursuant to the requirements of the Huntley Zoning Ordinance, including specifically Section 156.204 et seq.

Senior Assistant to the Village Manager Lisa Armour reported that the petitioners are requesting approval of a Zoning Ordinance Text Amendment to allow a Radio Studio as a Special Use in the “R-1” Single Family Residence District and Special Use Permit to allow a Radio Studio within the “R-1” Single Family Residence District zoned Deicke Park, 11419 S. Route 47.

Huntley Community Radio, a not-for-profit Illinois corporation, is proposing to locate a radio studio within the Deicke Park Building located at 11419 Route 47. The studio would occupy space previously occupied by the Huntley Park District's Finance Department, which moved into offices within the REC Center.

The studio will broadcast news, information and alerts affecting the Huntley community and would initially broadcast as an internet radio station. The organization would eventually seek approval from the Federal Communications Commission (FCC) to establish and operate a low-power FM radio station (The FCC has yet to open a filing window for accepting applications for low-power radio stations; it is unknown when the FCC will begin accepting applications).

Prior to operating as a low-power FM radio station the organization will need to construct an antenna and

transmitter. The proposed antenna will be approximately 100 feet tall and would be located adjacent to the Deicke Park Building. The antenna and transmitter, which will also require a Special Use Permit application at a future date yet undetermined, will allow the studio to broadcast on the FM frequency which will reach an area within a radius of approximately 3½ miles.

Huntley Community Radio is not requesting approval of the antenna at this time, but will return to request approval once the FCC begins accepting applications.

Village Board Conceptual Review

The Village Board's conceptual review of the proposal on October 6, 2011 included questions about the proposed radio station's transmitting distance (approximately a radius of 3½ miles) and hours of operation (24/7 with live programming between 6 a.m. and 6 p.m. with some programs repeated after 6 p.m.). The project was then forwarded on to the Plan Commission for their consideration of the request.

Plan Commission Action

The public hearing to consider the Zoning Ordinance Text Amendment to accommodate a Radio Studio as a Special Use in the "R-1" Single Family Residence District and the Special Use Permit to allow a Radio Studio within the "R-1" Single Family Residence District-zoned Deicke Park at 11419 S. Route 47 was held before the Plan Commission on Monday, March 12, 2012. Testimony at the public hearing included:

- While the Plan Commission was generally in favor of the petitioner's Huntley Community Radio project they did express reservations about the possibility of an antenna being located within the Deicke Park property in the future.

Having fully heard and considered testimony, the Plan Commission unanimously recommended approval of the Zoning Ordinance Text Amendment to accommodate a Radio Studio as a Special Use in the "R-1" Single Family Residence District and Special Use Permit to allow a Radio Studio within the "R-1" Single Family Residence District zoned Deicke Park at 11419 S. Route 47 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 all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) site design standards, practices and permit requirements.
2. The petitioner is required to meet all development requirements of the Huntley Fire Protection District.
3. Village Board approval shall be required for any future broadcast antenna for the site including any and all applicable Text Amendment(s) and/or Special Use Permit(s).

Staff Analysis

The Zoning Ordinance allows a radio studio by right in the "ORI" Office, Research and Industrial district and as a special use in the "B-2" Highway Service and "B-3" Shopping Center Business zoning districts. Deicke Park is zoned "R-1" Single Family Residence, which does not permit a radio studio as an allowed or special use. In order to allow the operation of the radio studio within Deicke Park, the text of the Zoning Ordinance must be amended to allow a Special Use Permit for a Radio Studio within the "R-1" zoning district.

Ms. Armour reported that the petitioner was in attendance to answer questions.

Mayor Sass asked if the Committee had any comments or questions.

Trustee Leopold stated that he was generally in favor but had concerns about political, religious or other groups allowed to broadcast which may cause problems. Mr. Alan Pollack reported that they must follow FCC regulations and strict guidelines as a 501(c)3 use. As a low powered station only one frequency is allowed in the area and they will provide information to the community in a balanced way and will not generate any conflict or special agenda as they will be open and balanced.

Trustee Fender asked how the park could be zoned residential; Village Manager Johnson reported that it is not uncommon for parks and churches which are often in residential areas to also be zoned residential.

Trustee Piwko asked if the radio station is currently broadcasting; Mr. Pollack said that they were not yet broadcasting as they must wait until they are accepted by the FCC, acquire funding and purchase equipment. Mr. Pollack stated that they hope to be operational in late summer or early fall.

There were no other comments or questions.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval Ordinance (O)2012-04.15 Approving a Zoning Ordinance Text Amendment to allow a Radio Studio as a Special Permitted Use in the “R-1” Single Family Residence District and Special Use Permit to allow a Radio Studio within the “R-1” Single Family Residence District zoned Deicke Park at 11419 S. Route 47, all pursuant to the requirements of the Huntley Zoning Ordinance, including specifically Section 156.204 et seq.

- d) Discussion – Ordinance (O)2012-04.16 – An Ordinance Approving a Special Use Permit to operate Indoor Recreation Facilities within the “M” Manufacturing District-zoned property at 1 Union Special Plaza, pursuant to the requirements of the Huntley Zoning Ordinance, including specifically Section 156.204 et seq.

Senior Assistant to the Village Manager Lisa Armour reported that Juki Huntley Property LLC and Union Special LLC, property owner and local private company affiliate, respectively, have applied to the Village of Huntley for an Indoor Recreation Special Use Permit within the “M” Manufacturing zoning district. The Special Use will allow three local sport organizations: Huntley Travel Baseball (HTB), Heat United Soccer Club (HU) and Old School Wrestling Club (OSW) to use lease spaces within the Union Special facility.

Huntley Travel Baseball and Heat United Soccer Club share a 15,867 square foot lease space on the ground floor, while the Old School Wrestling Club utilizes a 5,238 square foot space on the upstairs level of the facility.

All three organizations use the spaces primarily on weekday evenings and weekends, with peak usage between 6 p.m. and 8 p.m. weekdays. During the peak usage time, each organization may have as many as 15 to 20 participants. The sports organizations’ participants are generally between the ages of eight (8) and eighteen (18) years of age and are typically dropped off at the facility thereby utilizing a modest amount of the Union Special facility parking. The peak usage times differ from other businesses within the Union Special facility and minimal parking required for the uses are both cited as reasons why the petitioners expect little if any conflict with the proposed Special Use.

Plan Commission Action

The public hearing to consider the Special Use Permit to operate Indoor Recreation Facilities within the “M” Manufacturing District-zoned property at 1 Union Special Plaza was held before the Plan Commission on Monday, March 26, 2012. Discussion at the public hearing included:

- Discussion of the entrances to the facility, particularly the one on the south side of the building to be used by the Old School Wrestling (OSW) Club. The Union Special representatives stated the entrance is closest to the OSW Club’s second floor lease space.
- Discussion regarding the amount of parking available onsite. Union Special representatives assured the Plan Commission ample parking was available to meet the current and future needs for the facility.

Having fully heard and considered testimony, the Plan Commission recommended approval of the Special Use Permit to operate Indoor Recreation Facilities within the “M” Manufacturing District-zoned property at 1 Union Special Plaza 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 all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) site design standards, practices and permit requirements.
2. The petitioners are required to meet all development requirements of the Huntley Fire Protection District.
3. No Signage is approved as part of the Special Use Permit.

Staff Analysis

Ordinance No. 2005-2.12, approved February 10, 2005, accommodated the Zoning Text Amendment to include Indoor Amusement/Indoor Recreation as a Special Use within the “M” Manufacturing, “B-2” Highway Service and “B-3” Shopping Center Business Districts. Therefore, the petitioners must secure approval of the Special Use Permit to accommodate the three (3) sports organizations use of the two (2) lease spaces within the “M” Manufacturing-zoned facility for their respective Indoor Recreation activities.

Ms. Armour reported that Mr. Lance Lamb from Union Special was in attendance to answer questions.

Mayor Sass asked if the Committee had any comments or questions on this agenda item; there were none.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval Ordinance (O)2012-04.16 – Approving Special Use Permit to operate Indoor Recreation Facilities within the “M” Manufacturing District-zoned property at 1 Union Special Plaza, all pursuant to the requirements of the Huntley Zoning Ordinance, including specifically Section 156.204 et seq.

- e) Discussion – Resolution (R)2012-04.12 – Authorization to Adopt a Mutual Aid Agreement for the Major Investigation Assistance Team (M.I.A.T.)

Village Manager David Johnson reported that the Major Investigation Assistance Team (M.I.A.T.) is a major crime task force for McHenry County police agencies. The mission of the team is to assist a member agency, at the request of that agency, who is involved in a major investigation by providing additional trained manpower and equipment. The Village of Huntley Police Department has been a

member since the unit was established in 1983. A total of 17 agencies in McHenry County are members.

Presently, MIAT operates under the auspice of the McHenry County, Illinois Mutual Aid Agreement. This new agreement is specifically written for MIAT and addresses the Board of Directors and an Operational Plan and Procedures.

Staff Analysis

The Huntley Police has a detective assigned to MIAT. The detective is on call and responds when MIAT is activated.

MIAT is a needed resource for the Village. Even though Village's Police Staff can handle most situations independently, there are times when additional manpower and equipment are necessary. MIAT provides a source for experienced detectives and equipment that can be extremely helpful during a major and complex investigation.

The Huntley Police are able to provide a higher level of service to the citizens of Huntley by being a member of MIAT.

Financial Impact

This agreement will have no additional financial impact on the Village.

Legal Analysis

The Village Attorney has reviewed and approved this agreement.

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

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval of Resolution (R)2012-04.12 – Authorization to Adopt a Mutual Aid Agreement for the Major Investigation Assistance Team (M.I.A.T.).

- f) Discussion – Approval of March 8, 2012 Village Board, March 15, 2012 Committee of the Whole and March 22, 2012 Village Board Meeting Minutes

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

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval the March 8, 2012 Village Board, March 15, 2012 Committee of the Whole and March 22, 2012 Village Board Meeting Minutes.

- g) Discussion – April 12, 2012 Bill List in the amount of \$537,091.54

Mayor Sass reported that \$254,737.81 (or 47%) of the total bill list is payment to Graef for Engineering Services for the Route 47/I-90 Phase II Project and payment to Cady Aqua Store for the East Plant Digester Dome Replacement project.

Mayor Sass asked if the Committee had any comments or questions.

Trustee Piwko asked if the Village had enough storage space for all the newly purchased road salt; Village Manager Johnson reported that the salt dome is packed.

There were no other comments or questions.

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval the April 12, 2012 Bill List in the amount of \$537,091.54.

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT: None

VILLAGE PRESIDENT'S REPORT:

Mayor Sass reported that Village offices will be closed on April 6th.

Mayor Sass asked the Village Board to please RSVP to Barb or Rita if able to attend the St. Mary groundbreaking on April 16th.

Mayor Sass reported that on the April 12, 2012 Agenda the Board will receive in their packet the staff report regarding Ordinance (O)2012-04.17 - An Ordinance Approving a Temporary Sign Permit for an Inflatable Device and Flags.

Mayor Sass reported that General RV has requested to temporarily place an inflatable character on the southeast portion of their property, adjacent to the I-90 Tollway ramp. The inflatable dinosaur character will be displayed on five (5) occasions, for four or five-day periods each, for a total of nineteen (24) days. Additionally, the petitioner is requesting approval to display three flags each stating "Sale".

Staff Analysis

A temporary inflatable advertising device is included under Section 156.121 Prohibited Signs of the Village's Zoning Ordinance Article XIII - Sign Regulations. The property owner has agreed to furnish a \$1 million insurance rider to cover the inflatable device. Additionally, the inflatable will be placed within the property's security fence and tied-down in an appropriate manner.

Staff recommends the following conditions be added should the Village Board approve the Temporary Sign Permit for the inflatable device:

1. The inflatable device and flags shall be permitted for the following five (5) dates in 2012 and similar dates each year thereafter through 2016:
 - April 11th through April 15th, 2012
 - May 2nd through May 6st, 2012
 - June 6th through June 10th, 2012
 - July 12th through July 15th, 2012
 - August 8th through August 12th, 2012
2. The Village Board's approval for the Temporary Sign Permit shall automatically renew annually subject to the discretion of the Village Board. The Village Board shall have the right to rescind Temporary Sign Permit on a case-by-case basis.
3. The applicant shall obtain a Temporary Sign Permit for the inflatable device and flags from the Development Services Department prior to its installation for each display period.

4. The inflatable device and flags shall be maintained in good and safe condition for each of the five (5) installation periods.
5. A \$1,000,000 insurance rider shall be furnished by the property owner covering the entire period the inflatable device is on the subject property.

Financial Impact

The inflatable device temporary sign permit fee is \$50.00 for each installation period for a total of \$250.00 (plus \$100.00 compliance bond which can be paid once and returned following the final installation period).

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

It was the consensus of the Committee of the Whole to forward on to the Village Board for approval Ordinance (O)2012-04.17 - Approving a Temporary Sign Permit for an Inflatable Device and Flags for General RV, 14000 Automall Drive.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

A MOTION was made to enter into Executive Session at 8:36 p.m. for a) Probable or Imminent Litigation and Pending Litigation; b) Contractual; c) Property Acquisition, Purchase, Sale or Lease of Real Estate; and d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley.

MOTION: Trustee Piwko

SECOND: Trustee Leopold

The Voice Vote noted all ayes and the motion carried.

A MOTION was made to exit Executive Session at 8:57 p.m.

MOTION: Trustee Kanakaris

SECOND: Trustee Leopold

The Voice Vote noted all ayes and the motion carried.

ACTION ON CLOSED SESSION ITEM: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 8:58 p.m.

MOTION: Trustee Fender

SECOND: Trustee Piwko

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read

Recording Secretary