

**VILLAGE OF HUNTLEY
COMMITTEE OF THE WHOLE MEETING
July 16, 2015
MINUTES**

CALL TO ORDER:

A meeting of the Committee of the Whole of the Village of Huntley was called to order on Thursday, July 16, 2015 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

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

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Management Assistant Barbara Read, Director of Development Services Charles Nordman and Village Attorney Mike Coppedge.

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

PUBLIC COMMENTS: None

ITEMS FOR DISCUSSION:

- a) Discussion – Approval of the July 23, 2015 Bill List in the Amount of \$ 1,942,231.71

Mayor Sass reported that \$1,674,051.16 (or 86.2%) of the total bill list is attributable to Payout #2 to Elmund & Nelson for the Downtown Dry Utilities Replacement Project (\$157,269.15), payment to Illinois EPA for the NPDES Permit Renewals (\$35,500.00), and payment of SSA & TIF Property Taxes (\$1,481,282.01).

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 the July 23, 2015 Bill List in the Amount of \$ 1,942,231.71.

- b) Discussion – Consideration of an Advisory Board Appointment of Ms. Darci Chandler to the Plan Commission

Mayor Sass reported that due to the vacancy created by Trustee Hoeft moving from the Plan Commission to the Village Board, he proposed the appointment of Ms. Darci Chandler to the Plan Commission. Ms. Chandler has consistently attended Village meetings and has submitted her resume as a letter of interest to serve on the Commission which is included in the packet. Mayor Sass reported that Ms. Chandler was in attendance to answer questions.

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

the appointment of Ms. Darci Chandler to the Plan Commission.

c) Discussion – Consideration of Huntley Fall Fest Approvals:

- i. Consideration of an Ordinance for the Approval and Issuance of a Class “E” Liquor License; Huntley Park Foundation / 2015 Huntley Fall Fest

Mayor Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance, which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

A Class “E” Liquor License is being requested at this time. A Class “E” Liquor License is a temporary license, not to exceed three days, issued to not-for-profit organizations with a license fee of \$75.00.

Staff Analysis

The Liquor Commission is being presented with the request from the Huntley Park Foundation (Foundation) for the issuance of a Class “E” Liquor License to sell beer, Mike’s Hard Lemonade flavored coolers and wine only. The request is for the 2015 Huntley Fall Fest taking place on Huntley Park District Property, 12015 Mill Street on September 25, 26 and 27, 2015.

The Foundation is requesting the license to operate a beer garden during the hours of 4:00 pm to 11:00 pm on Friday, September 25th, 10:00 am to 11:30 pm on Saturday, September 26th, and 11:00 am to 7:00 pm on Sunday, September 27th. Alcohol serving will stop at 10:30 pm on Friday and 11:00 pm Saturday night, and at 6:30 pm on Sunday, which is a half-hour before the event closes each day. The beer garden area will be fenced off and there will be no removal of alcohol from this area to the festival area. The event will be monitored by the Fall Fest Committee’s own security with a wristband ID service. Mr. Thom Palmer, Executive Director of the Huntley Park District, has submitted a letter on behalf of the Park District authorizing the beer garden on their property.

An application has been placed on file and reviewed by the Village Clerk’s Office. All is in order for consideration at this time. The application is being presented with the provision of the State license being provided closer to the date of the event. This stipulation will be included as a condition of approval. The liquor license would be issued for September 25, 26 and 27, 2015 only. All of the required documentation has been submitted and meets code requirements.

Financial Impact

The Foundation is requesting waiver of the payment of the \$75.00 fee. The Commission has waived the fee in the past.

Legal Analysis

Section 110 of the Village Code of Ordinances regulates liquor sale in the Village. The application has been reviewed and is in compliance with Section 110: Alcoholic Beverages requirements.

Mayor Sass reported that representatives of the Huntley Fall Fest Committee were in attendance to answer questions. 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 Liquor Commission for approval an Ordinance approving the issuance of a Class “E” Liquor License to the Huntley Park Foundation for the 2015 Huntley Fall Fest subject to the following conditions of approval:

1. *Petitioner must show proof of the State of Illinois Liquor License before the Village of Huntley Class "E" Liquor License becomes effective.*
2. *The beer, wine and coolers can only be sold and consumed in the designated beer garden area.*

- ii. Consideration of a Resolution Approving a Temporary Use Permit for Huntley Fall Fest Committee to Hold a Carnival and Temporary Sign Request

Mayor Sass reported that the Village of Huntley Zoning Ordinance allows for the issuance of a temporary use permit (TUP) for temporary signs and carnivals.

Temporary signs are subject to the following conditions: 1) not to exceed 30 days, 2) maximum size of 50 square feet and no more than 8 feet above ground, 3) not to be displayed on a fence or tree, and 4) not to be located in the rights-of-way.

Carnivals are subject to the following conditions: 1) approval on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties, 2) limited to a period not to exceed five (5) days, and 3) adequate fire extinguishers, refuse containers and cleanup of the site upon termination of the event.

Staff Analysis

The Village is in receipt of a request from the Huntley Fall Fest Committee for the following:

1. To post 15 (3' x 8') banners in the following locations listed below, as were done in previous years. The banners are the same type of banner that was used for last year's Fall Fest. These will be posted two weeks prior to the event. They are also requesting the assistance of the Public Works Department to hang the banners.
 - 1) RT 47 and Reed Road
 - 2) RT 47 and Algonquin Road
 - 3) RT 47 and Mill Street
 - 4) RT 47 and Del Webb Boulevard
 - 5) RT 47 and Kreutzer Road
 - 6) RT 47 and Dean St
 - 7) RT 47 and Main Street (N/E)
 - 8) Algonquin Road and Haligus Road (E/B)
 - 9) Algonquin Road and Haligus Road (W/B)
 - 10) Huntley/Dundee Road and Haligus Road
 - 11) Huntley/Dundee Road and Main Street
 - 12) Reed Road and Haligus Road
 - 13) Haligus Road and Main Street
 - 14) Kreutzer Road and Main Street
 - 15) Kreutzer Road and Haligus Road

The Fall Fest Committee acknowledges that some sites may not be under the Village's jurisdiction and others may not be feasible in the noted location. If these sites are unacceptable, the Committee requests permission for other sites with the approval of the Village Manager.

2. To post snipe signs at the subdivision entrances. These will be posted from September 20-28.
3. To post directional signage on the day of the event at the following locations:

- a) West Main Street at Lois Lane
- b) Deicke Park entrance
- c) Route 47 and Mill Street

A variation from the Ordinance is required to locate the signs in the Village's rights-of-way.

4. To hold a carnival in the Stingray Bay parking lot area.
5. To use the Village's quad generator from Thursday, September 24th through Sunday, September 27th.

The Fall Fest Committee will hire private security for the event.

Financial Impact

It is being requested that the temporary use permit for the carnival and any fees associated with the Fall Fest be waived.

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 a Resolution granting the issuance of a Temporary Use Permit to hold a carnival and Temporary Sign Permit and the Waiving of Fees to the Huntley Fall Fest for the 2015 Huntley Fall Fest.

- d) Discussion – Consideration of a Resolution Approving Façade Improvement Assistance Program Grants for DMB Properties LLC, 11019 Woodstock Street and 11806 E. Main Street

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that DMB Properties LCC, owner of 11019 Woodstock Street and 11806 E. Main Street, has submitted two applications for the Façade Improvement Assistance Program. DMB Properties has submitted a request for 11019 Woodstock Street seeking assistance in the amount of \$10,000.00 for the year 2015 and \$10,000.00 for the year 2016 to complete the work listed below. Similarly, DMB Properties has also submitted a request for 11806 E. Main Street seeking assistance in the amount of \$10,000.00 for the year 2015 and \$10,000.00 for the year 2016 to complete the work listed below. The combined total sought for the two buildings is \$40,000.00.

11019 Woodstock Street (Sal's Pizza and Coral Street frontage):

- Tuck pointing the entire building.
- Paint the entire building with exception to the south elevation which is currently unpainted.
- Install canvas awnings over the Sal's Pizza storefront (one continuous awning is shown in the rendering; however, there will actually be two awnings across the storefront. The awning cannot extend over the stairway due to lack of vertical clearance).
- Install new storefront door and sidelights.
- Remove existing siding on storefront and replace with hardiboard siding (or like material).
- New signage for Sal's Pizza (not included in façade grant request).
- Install new exterior gooseneck lighting above the storefront.
- Install new doors and replace the above windows on the Coral Street elevation.

- Remove the existing non-functional fan above Sal's rear entry.
- Repair and improve the second floor balcony on Coral Street elevation.
- Relocate the existing air conditioning to grade and remove existing window mounted air conditioning units.

The total cost of the above work for 11019 Woodstock Street is estimated at \$75,499.20. A breakdown of the costs is provided as an attachment to this report.

11806 E. Main Street (Shampooch and Kitty):

- Tuck pointing the entire building.
- Paint the entire building with exception to the east elevation which is currently unpainted.
- Replacement of storefront for Shampooch and Kitty, including new larger storefront windows and door consistent with the Sawyer Kelley Mercantile building.
- Replace the door to the second floor apartment.
- Complete replacement of the existing deck, stairs, and railing with composite material and railing similar to the fencing proposed along the sidewalk in front of the building as part of the Downtown Streetscape improvements
- Frame the area below the deck to match storefront.
- Remove the existing storefront siding and replace with hardiboard siding (or like material).
- New signage for Shampooch and Kitty (not included in façade grant request).
- Install new exterior gooseneck lighting above the Shampooch and Kitty storefront.
- Install new awning to cover the Shampooch and Kitty storefront.

The total cost of the above work for 11806 E. Main Street is estimated at \$42,420.00. A breakdown of the costs is provided as an attachment to this report.

Staff Analysis

The Façade Improvement Assistance Program Guide identifies specific exterior improvements that are eligible for reimbursement. All proposed improvements are identified as an eligible improvement under the guidelines of the program.

The Village Board shall evaluate the project based on the value of the aesthetic improvement to the Village of Huntley and the following criteria:

- Condition of the building and need for renovation
- Extent to which the improvements conform to the Downtown Revitalization Plan and Commercial Design Guidelines
- Extent to which the proposed improvements restore, maintain, or enhance the character of the building and surrounding area

Staff has reviewed the proposal and the project appears to meet the criteria for the program.

Financial Impact

The FY2015 budget includes \$50,000 for the Façade Improvement Assistance Program in the Downtown Improvement Fund. The quotes provided by DMB Properties propose to complete the work at a total cost of \$75,499.20 for 11019 Woodstock Street and \$42,450.00 for 11806 E. Main Street (the combined total cost is \$117,949.20). The Façade Improvement Assistance Program allows reimbursement of up to fifty percent (50%) of the project cost per property with a maximum reimbursement of \$10,000 per project. To remain eligible for the FY15 funding, the work must be

completed no later than December 31, 2015. The maximum aggregate amount of all grants approved for a building/property within a five year period is limited to \$20,000.

The two requests by DMB would be the second and third projects funded in 2015.

Upon completion of the work, the owner must submit copies of all invoices, contractor's statements, proof of payment, and notarized final lien waivers to the Village, as evidence that the owner has paid the contractor. Payment of the approved grant amount will only be authorized upon completion of all work items as originally approved and receipt of all required documents.

Legal Analysis

If the requested grant is approved by the Village Board, the petitioner must sign and abide by the terms of the Façade Improvement Assistance Program Agreement in order to be reimbursed for the project.

Director Nordman reported that the property owners were in attendance to answer questions.

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

Trustee Leopold told the petitioners that he appreciated their efforts to improve the facades but wants the south elevation of the Woodstock Street building and the east elevation of the Main Street building painted.

Trustee Piwko disagreed with Trustee Leopold and stated that he would prefer the buildings taken back to their original unpainted conditions but understood that it would be cost prohibitive; Trustee Piwko stated that he does not want the unpainted portions of the buildings painted. Trustee Piwko asked about the second floor windows on the Main Street building. Mr. Matthew Bozzo stated that new windows on the Main Street building are not in the proposal as it might take another \$5,000 to replace but would consider it in the future.

Trustee Kanakaris stated that he liked the look of the Woodstock Street building but would prefer one awning instead of two. Mr. Bozzo stated that he would prefer one awning as well but the contractor stated that due to the metal beam, that would not be possible. Trustee Kanakaris stated that he would like the second floor windows on the Main Street building to be replaced and also asked if the door to the apartments would be replaced; Mr. Bozzo stated that the door would be replaced.

Trustee Hoeft stated that he also would like the second floor windows on the Main Street building replaced.

Trustee Goldman stated that she would also want the unpainted portions of the building painted as well as new windows on the second floor of the Main Street building.

Mr. Bozzo stated that he agreed that new windows on the Main Street building would make it look better but said that he can't finance it at this time.

Trustee Westberg stated that new windows would be nice but suggested that perhaps the petitioner could improve the windows with painting.

Mr. Bozzo stated that the costs add up and the proposed costs are estimates and he assumes that there will be other unforeseen costs.

Mayor Sass told Mr. Bozzo that the Village is giving the project a lot of money so perhaps he will consider new windows in the future. Mayor Sass stated that he had no problem with the unpainted portions of the buildings.

Trustee Leopold asked where the ceiling was located on the second floor of the Woodstock building; Mr. Bozzo stated that the ceiling was half-way in the window.

Village Manager Johnson stated that by the comments of the Trustees, the second floor windows on the Main Street building are an issue and that staff will continue to work with the petitioner.

Mayor Sass stated that a separate vote will need to be taken on this item at the Village Board meeting.

It was the consensus of the Committee of the Whole to forward on to the Village Board a Resolution approving Façade Improvement Assistance Program grants for DMB Properties LLC, 11019 Woodstock Street and 11806 E. Main Street.

- e) Discussion - Approval of Payout Request No. 2 in the amount of \$157,269.15 to Elmund & Nelson, Co. for Downtown Dry Utility Replacement Plan

Mayor Sass reported that on April 2, 2015 the Village Board of Trustees awarded a contract for the Downtown Dry Utility Replacement plan to Elmund & Nelson, Co. The contract amount was \$529,510.00.

Elmund & Nelson, Co. started working on April 27, 2015 and has submitted a request for the Downtown Utility Replacement plan. Village staff and the Village’s project engineer, CBBEL, has reviewed the request and recommends approval of the payout.

Staff Analysis

<u>Pay Request</u>	<u>Total Completed Work</u>	<u>Retention</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1	\$151,424.65	\$15,142.47	\$0.00	\$136,282.18
#2	\$326,168.15	\$32,616.82	\$136,282.18	\$157,269.15

Financial Impact

The FY2015 budget includes \$4,000,000 for Streetscape Improvements project(s) in the Downtown TIF Fund 16-10-4-7712.

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 Payout Request No. 2 in the amount of \$157,269.15 to Elmund & Nelson, Co. for the Downtown Dry Utility Replacement Plan.

- f) Discussion – Introduction to the Form-Based Code Planning Process

Director of Development Services Charles Nordman reported that in October 2014 the Chicago Metropolitan Agency for Planning (CMAP) announced that the Village was successful in its request for

a Local Technical Assistance grant for the preparation of a form-based code zoning ordinance amendment for the downtown and adjacent Route 47 corridor. Over the past several months Village staff has been working with CMAP to select a consultant to assist in preparing the form-based code. Ultimately, CodaMetrics was selected as the consultant best qualified to draft the new code. CodaMetrics is a Chicago based planning firm that specializes in writing form-based zoning codes that implement principles of walkable urban design and environmental sustainability. Leslie Oberholtzer will serve as the principal-in-charge and day-to-day project manager. Leslie has extensive experience preparing form-based codes for communities around the country.

Staff Analysis

As previously discussed, the Downtown Revitalization Plan was the first document to propose a form-based code for the Village's downtown, and included design guidelines to serve as the first step toward the use of form-based standards in regulating development in the downtown area. The form-based code project will serve to replace the Village's existing zoning regulations for the downtown and adjacent Route 47 corridor with regulations that advance the goals of the Downtown Revitalization Plan.

Director Nordman introduced Leslie Oberholtzer of CodaMetrics.

Ms. Oberholtzer reviewed a Power Point presentation outlining the following:

- Form-based Codes - use physical FORM as the organizing principle for the code.
- Form-based Codes - foster predictable built results.
- Form-based Codes - foster a high-quality public realm.
- Form-based Codes - are regulations, not just guidelines, adopted into municipal law.

Components of Form-based Codes:

- Organized by context areas, then building forms
- Easy to read & understand, well-illustrated
- Levels of design standards
- Components

Why Use Form-based Codes:

- Higher Level of Predictability
- Easier to Meet Implementation Goals
- Simplifies any Negotiation Process
- Can Require Higher Quality, Better Design
- Can be More Flexible

Trustee Piwko asked what the difference was between form-based code zoning and spot zoning; Ms. Oberholtzer explained that form-based zoning was more about the size of the building.

Trustee Goldman asked how long the process will take to complete; Ms. Oberholtzer reported that the whole process takes about one year but they have already completed about three-months of work and that they soon will be planning a community workshop.

Trustee Kanakaris asked if the boundary could be expanded from Algonquin Road north past Bakley's property. Trustee Goldman suggested that the boundary should follow the TIF map. Village Manager Johnson stated to keep moving forward the project would stay on the Route 47 corridor.

This item is presented for discussion purposes only; therefore, no action is required of the Village Board at this time.

- g) Policy Direction – Amending Chapter 110: Alcoholic Beverages of the Village Code and Establishing a New Liquor License Classification

Village Manager David Johnson reported that Staff is seeking policy direction regarding a potential amendment to Chapter 110: Alcoholic Beverages, 110.23 Classification and Fees, to delete the prohibition against the issuance of a liquor license to any business engaged in the sale of gasoline or gasoline related products and to allow for gas station establishments to sell alcohol.

Staff Analysis

Staff has been approached by an interested petitioner to construct a convenience store/gasoline station in the Village. The petitioner is also requesting the sale of alcohol (beer and wine) at the station. The Liquor Commission has not approved any previous requests to amend the Village code to allow for alcohol sales at gas stations; however, this petitioner has respectfully requested Staff to take the request to the Liquor Commission for further consideration before moving forward with the site plan application and approval process. The petitioner would be seeking a Class D license, which only permits the retail sale of alcoholic liquor in sealed packages not for consumption on the premises where sold. Village Code currently states: *“No Class “D” license shall be issued to any business which is engaged in the sale of gasoline or gasoline related products, or doing business which is operated or maintained on any premises in which any other business is engaged in the sale of gasoline or gasoline related products...”*

Staff has conducted a survey of neighboring communities’ liquor codes and found that alcohol and/or beer and wine only are allowed to be sold at gas stations in each community. The liquor class itself varies slightly but each class allows for packaged goods only and does not allow for consumption on the premises.

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

Trustee Piwko stated that he asked both residents and non-residents for their opinions and the majority of residents told him that they do not want the Liquor Code to change; Trustee Piwko stated that the non-residents did not care. Trustee Piwko stated that he wants the Liquor Code to remain.

Trustee Leopold stated the number of liquor licenses should be limited and service stations should not sell liquor.

Trustee Goldman stated that she was not opposed to the Liquor Code change as it would bring more businesses.

Trustee Hoeft stated that he had no problem with the Liquor Code change.

Trustee Kanakaris stated that he opposes a Liquor Code change at this time.

Trustee Westberg stated that the inability to sell alcohol at the existing gas stations has not hurt their businesses and stated that people do not typically make a decision where to buy gas because they sell alcohol. Trustee Westberg stated that a change in the Liquor Code was not needed.

Trustee Leopold asked that if the Liquor Code was changed to allow the sale of alcohol at gas stations

would the existing gas stations be able to apply for a liquor license; Mayor Sass stated that they would also be able to sell alcohol.

Mayor Sass reported that two (2) Trustees were for and four (4) Trustees were against amending the Liquor Code to allow gas stations to sell alcohol.

Village Manager Johnson stated that Staff will relay the Village Board's decision on to petitioners.

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT: None

VILLAGE PRESIDENT'S REPORT:

Mayor Sass reported that there will be a Liquor Commission prior to the Board Meeting on July 23rd

Mayor Sass congratulated Pete Gonigam for being awarded the United States Commerce and Trade Research Institute's recipient of their 2015 Media and Internet United States Excellence Award.

UNFINISHED BUSINESS:

Trustee Kanakaris asked for an update on the tree situation in Talamore; Village Manager Johnson reported that he had met with the developer and will continue to follow up.

NEW BUSINESS: None

EXECUTIVE SESSION:

- a) Probable or Imminent Litigation and Pending Litigation
- b) Contractual
- c) Property Acquisition, Purchase, Sale or Lease of Real Estate
- d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley
- e) Collective Bargaining
- f) Appointment, Discipline or Removal Public Officers
- g) Appointment of a Public Officer
- h) Review of Closed Session Minutes
- i) Other

A MOTION was made at 8:00 p.m. to enter into Executive Session for d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

The Voice Vote noted all ayes and the motion carried.

A MOTION was made at 8:15 p.m. to exit Executive Session.

MOTION: Trustee Kanakaris

SECOND: Trustee Leopold

The Voice Vote noted all ayes and the motion carried.

ACTION ON CLOSED SESSION ITEMS: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 8:16 p.m.

MOTION: Trustee Westberg

SECOND: Trustee Piwko

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary