

**VILLAGE OF HUNTLEY  
COMMITTEE OF THE WHOLE MEETING  
Thursday, October 6, 2011  
MINUTES**

**CALL TO ORDER:**

A meeting of the Committee of the Whole of the Village of Huntley was called to order on Thursday, October 6, 2011 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, Niko Kanakaris, Harry Leopold, Paul Mercer 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 and Village Attorney Mike Coppedge.

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

**PUBLIC COMMENTS:**

Catherine Vandy, 10378 Scott Drive, requested that the Village Board consider installing a yellow flashing light at the intersection of Haligus Road and Scott Drive as vehicles do not stop for pedestrians in the crosswalks and she has seen many near misses.

Jen Yuchasz, 10308 Brighton, stated that she has seen broken glass on Haligus from auto accidents and asked that something be done at a minimum of installing a flashing yellow light at the intersection; she stated that drivers need to slow down in this area.

Sharon Host, 10292 Somerset, stated that the traffic issues not only take place when the kids are going and returning from school but during other school functions and other events held on the school campus; Ms. Host requested the installation of a flashing yellow light.

Mayor Sass responded by saying that the Village has been working on the traffic and safety issues in this area and will continue to do so.

**ITEMS FOR DISCUSSION:**

- a) Discussion –September 8, 2011 Village Board, September 15, 2011 Committee of the Whole and September 22, 2011 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 September 8, 2011 Village Board, September 15, 2011 Committee of the Whole and September 22, 2011 Village Board Meeting Minutes.***

- b) Discussion –The October 13, 2011 Bill List in the Amount of \$1,763,217.93

Mayor Sass reported that 85.6% of the Bill List was to pay GRAEF Engineering for Route 47 / I90 Phase II Engineering services, Impact Fees and TIF and SSA Property taxes.

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 October 13, 2011 Bill List in the Amount of \$1,763,217.93.***

- c) Discussion – Huntley Community Radio Station Proposal, Deicke Park Building, Huntley Park District, 11419 Route 47 – Referral to the Plan Commission to begin the Formal Development Review Process

Village Manager David Johnson reviewed a Power Point Presentation and reported that Huntley Community Radio, a not-for-profit Illinois corporation, is proposing to locate a radio station within the Deicke Park Building located at 11419 Route 47. The station would occupy space that is currently occupied by the Huntley Park District's Finance Department, which will be moving into offices within the REC Center.

The station 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 speculated that applications will be accepted sometime in 2012).

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 will allow the station to broadcast on the FM frequency which will reach an area within a radius of approximately 3½ miles.

#### Staff Analysis

The Zoning Ordinance allows a radio studio by right in the "ORI" Office, Research and Industrial district and as a special permitted 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 permitted use. In order to allow the operation of the radio station within Deicke Park, the text of the Zoning Ordinance would need to be amended to allow a not-for-profit radio station within an "R-1" district subject to approval of a Special Use Permit. Additionally, the necessary antenna will require amending the text of the Zoning Ordinance to allow a radio antenna and tower within the "R-1" zoning district. Staff is currently researching specific language for the text amendments and special standards that could be applied to the Special Use Permit.

#### Legal Analysis

Staff will work with the Village's Legal Counsel in the drafting of the required text amendments.

Village Manager Johnson reported that Executive Director Allen Pollack and Technical Advisor Jim Carollo from Huntley Community Radio, LTD, NFP and Executive Director Thom Palmer from Huntley Park District were in attendance to answer questions.

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

Trustee Fender asked if the transmitting would interfere with ham radios; Mr. Carollo stated that it would not as it is transmitted as a low power form limited to 100 watts. Trustee Fender asked what the transmitting distance would be; Mr. Carollo stated that it would be approximately 5 miles.

Trustee Leopold asked what the difference was between internet and over the air transmitting; Mr. Pollack stated that the same equipment is used and that the station will use an internet carrier for transmitting. Mr. Pollack stated that the end user will log onto the internet site to hear the broadcast. Mr. Pollack stated that the internet produces high quality sound and this will be used until the FCC has an opening for an on-air station. Trustee Leopold asked how long the radio station will be on during the day. Mr. Pollack stated that it will on 24/7 and from 6 a.m. to 6 p.m. there will be live programming and after 6 p.m. some programs will be repeated and there will also be a variety of music played.

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

***It was the consensus of the Committee of the Whole to refer the Huntley Community Radio Station to the Plan Commission to begin the formal development review and approval process.***

- d) Discussion – Ordinance (O)2011-10.42 – Recognizing the Legal Non-Conforming Status of 11200 Route 47 / Mobil Gas

Village Manager David Johnson reviewed a Power Point Presentation and reported that due to the widening of Route 47, the Illinois Department of Transportation acquired additional right-of-way from the Mobil gas station/convenience store at 11200 Route 47. The property is zoned “B-2” Highway Service and is currently considered to be non-conforming in accordance with Section 156.180 of the Village’s Zoning Ordinance.

The Route 47 widening and consequent right-of-way acquisition has increased the non-conforming condition affecting the required front yard building setback, drive aisle setback and landscape buffer requirement for the site.

#### Staff Analysis

As a result of the IDOT taking for the Route 47 widening, additional relief is now necessary from the requisite 30-foot front yard setback to accommodate the distance between the right-of-way and gas pump canopy of approximately 20 feet, thereby requiring ten (10’) feet relief. Additionally, the Huntley Zoning Ordinance Section 156.106 Parking (C) *Design and Maintenance* (13) *Size of Parking Spaces and Aisle Widths* requires a minimum two-way drive aisle width of twenty-four (24’) and the drive aisle adjacent to Route 47 will be as narrow as 20 feet, thereby requiring four (4’) feet relief.

Finally, Section 156.151 Landscape Ordinance (G) *Mandatory Provisions* (8) *Street Landscaping* requires a ten (10’) foot minimum buffer area between the property line and paved areas and the resulting landscape buffer adjacent to Route 47 will essentially be eliminated thereby requiring ten (10’) feet relief from this requirement.

Should the Village Board approve the resulting non-conformity of the subject site, Staff recommends the following condition of approval:

1. The approved relief is for the front yard building setback, two-way drive aisle width and eliminated landscape buffer only that are as a result of the right-of-way taking for the Route 47 widening project only. This request does not extend to relief that may be required for other modifications to the site and/or structure that may be proposed at a later date. All other future improvements to the site and/or structure shall comply with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) and approved site design standards, practices and permit requirements, unless relief is otherwise approved by the Village Board.

#### Legal Analysis

The Village Board has the option to place a limit on the length of time that the property may continue to be non-conforming, if the Board is inclined to grant the requested relief.

Village Manager Johnson reported that the business owner, George Athans, was in attendance to answer questions.

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

Trustee Fender asked if there were plans to add additional landscaping. Village Manager Johnson reported that they will be adding landscaping at the base of the ground sign and Mr. Athans reported that they are planning on adding some along the side of the property but not to interfere with the line of site of motorist entering and exiting the property.

Mayor Sass asked if there were any other 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)2011-10.42 Recognizing the Legal Non-Conforming Status of 11200 Route 47 / Mobil Gas subject to the recommended condition of approval.***

- e) Discussion – Ordinance (O)2011-10.43 – Requesting relief to install a ground monument sign with graphic reader board and relief to the setbacks at 11200 Route 47 / Mobil

Village Manager David Johnson reviewed a Power Point Presentation and reported that Sierra Petroleum Company, Inc. is requesting approval to install a new ground sign at the Mobil gas station and convenience store located on the east side of Route 47, north of Mill Street at 11200 Route 47. The proposed sign will replace the ground sign that was at this location prior to the reconstruction of Route 47.

The proposed sign is a double-faced monument sign with a total height of fifteen (15') feet. The sign copy area is 8'-4" x 8'-0" (66.6 square feet) divided into three sections: "Mobil" sign on top; gas prices in the middle with LED price display (6.5 square feet); and 2'-8" x 8'-0" (21.33 square feet) full-color LED message center on the bottom. The sign will be framed with Penn State Limestone columns and base with a limestone cap.

The sign will be located on the south side of the property within ten (10') feet of both the front right-of-way line and southern property line.

#### Staff Analysis

Per the Huntley Zoning Ordinance Article XIII – Sign Regulations, §156.121 Prohibited Signs. (A) includes fluttering, undulating, swinging, rotating, moving and/or flashing signs, except time and

temperature signs and festoon lighting, while §156.121 (J) Changeable copy signs are limited to the changeable copy area of 50% or less.

Article XIII – Sign Regulations, Section 156.122 Ground Signs, requirements are as follows:

	SIGN REGULATIONS	PROPOSED SIGN	RELIEF REQUIRED
AREA	80 sq. ft.	66.6 sq. ft.	None
HEIGHT	15 ft.	15'	None
LOCATION	10 ft. from ROW if sign exceeds 3½ ft. in height.	<10 ft. from ROW & southern property line	≤ 8 ft. in relief from front and side yard setback
NUMBER PER LOT	1	1	None
CHANGEABLE COPY	Area to not exceed 50% of the permitted sign area. Signs may not rotate or flash messages, except time and temperature signs.	42% of permitted sign area. Sign would periodically change messages.	Relief is required for the LED message center to periodically change messages.

Staff recommends the following conditions be added should the Village Board approve the ground monument sign with graphic reader board and setback relief permit request:

1. Displays 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.
2. The ground monument sign shall be granted a maximum of eight (8') feet in relief from the ten (10') minimum setback from all property lines for signs greater than 3'-6" in height.
3. The petitioner shall obtain a sign permit from the Development Services Department upon receiving approval from the Village Board.

Financial Impact

The Village’s Sign Ordinance permit fees for the subject sign includes the \$75.00 basic fee plus \$0.50 per square foot (66.6. s.f. x \$0.50 or \$33.30) and the \$60.00 Electrical Permit Fee, for total permit fee of \$168.30.

Legal Analysis

The Village Board’s authorization for this request is required in accordance with Zoning Ordinance - Sign Regulations §156.128 to accommodate the Ground Sign with a LED message center.

Village Manager Johnson reported that the business owner, George Athans, was in attendance to answer questions.

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

Trustee Leopold asked how much setback relief was being requested; Village Manager Johnson reported that 8 feet of relief is being requested.

Trustee Fender confirmed that there will be landscaping added at the ground sign.

Mayor Sass asked if the Committee had additional 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)2011-10.43 – An Ordinance Granting relief for the Mobil gas station monument sign with LED message center and setbacks within ten (10’) of property lines.***

- f) Discussion – Ordinance (O)2011-10.44 – Establishing a School Speed Zone and No Parking Zone on Haligus Road at Scott Drive

Village Manager David Johnson reported that the Marlowe Middle School entrance is located on Haligus Road at the intersection with Scott Drive. The speed limit for that section of Haligus Road is 35 mph. For the last few years the Village has received numerous citizen complaints dealing with the safety of the area as more children are using the school crossing at Haligus and Scott. With vehicle traffic moving at 35 mph it has become a safety issue for the school children crossing Haligus as well as school buses and other vehicles that are coming and going from the school parking lot.

#### Staff Analysis

The Police Department conducted a traffic study in early 2011 to determine the need for a stop sign at the intersection. The study indicated that a stop sign was not warranted. In fact, the installation of a stop sign would result in unnecessary traffic back up and actually worsen the safety concerns. However, locations for school speed zone signs have been identified. These sign shall give the proper warning that a school zone is being approached and shall indicate the school zone is in effect during school days when children are present.

An additional concern in this area is parking on Haligus Road. It is anticipated that as enrollment increases at Marlowe Middle School and the school site hosts even more outside activities, parking along Haligus Road will be an issue. This ordinance will post Haligus Road “No Parking” from 100 feet either side of Scott Drive. This no parking zone will maintain the safety of the school crossing.

#### Financial Impact

The proper signage is in stock with the Village Public Works Department. The only cost to the Village at this time would be for the Public Works crew to install the signs.

#### Legal Analysis

The Village Attorney has reviewed and approved this ordinance.

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

Trustee Fender asked about the timing of the school speed zone. Village Manager Johnson stated that school speed zones are in effect during school hours when children are present. Trustee Fender suggested enhancing the crosswalk markings. Village Manager Johnson stated that the Village will look into making something work in this area. Village Manager Johnson reported that while the Police were out

observing the intersection, 29 pedestrians crossed Haligus Road and out of those 29, 19 pedestrians did not cross at the pedestrian marked cross walk. Trustee Fender stated that she would like an officer to explain to the students the need to walk in the marked crosswalk area. Village Manager Johnson stated that he will talk with the School District about education.

Trustee Kanakarlis suggested having an officer cross the kids for the half-hour in the morning and after school; Village Manager Johnson stated that he will discuss this with the School District.

Trustee Piwko stated that he understood that D158 cancelled crossing guards at that intersection because the State of Illinois cancelled bus funding due to the use of crossing guards.

Mayor Sass asked if the Committee had any additional 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)2011-10.44 – Establishing a School Speed Zone and Parking Regulations on Haligus Road at Scott Drive.***

- g) Discussion – Approval and Authorization for the Village President to Execute Accordingly Resolution (R)2011-10.29 – Intergovernmental Agreement With the Illinois State Toll Highway Authority, the Illinois Department of Transportation, the County of McHenry, the County of Kane, and the Village of Huntley for the I-90 / Route 47 Full Interchange

Mayor Sass reported that an intergovernmental agreement (IGA) is required among the five governmental agencies responsible for funding construction of the full interchange at I-90 and Route 47. The IGA identifies each party's responsibilities and financial commitments. The IGA was approved by the Illinois Tollway Board of Directors on September 29<sup>th</sup>.

#### Staff Analysis

Key points of the agreement are as follows:

- IGA references the \$2,600,000 million paid in engineering fees by the Village, and Kane and McHenry Counties and that each agency shall be credited for its share (\$866,667) per agency towards the overall project cost, currently estimated at \$68,505,198
- Total project cost is defined as including all costs associated with the design engineering, land acquisition, and construction costs
- The Tollway Authority is responsible for land acquisition, with costs credited towards its share of overall project cost
- Provides for jurisdictional transfer of Manning Road from Kane County to the Village; The IGA for the jurisdictional transfer was previously already approved by the Village and Kane County in April, 2011
- The Tollway Authority is responsible for letting the project out for bid and overseeing construction
- The IGA provides for the following cost sharing arrangement: Tollway – 50%; IDOT – 25.979% (capped at \$17,380,000); Village of Huntley – 9.06%; Kane County – 8.43%; and McHenry County – 6.53% (note: IDOT share does not apply to water main work and utility relocation costs)
- Any party can cancel or request reconsideration of agreement if prior to award of construction contract total estimated cost exceeds \$68,505,198 by more than 20% or a construction contract has not been awarded within five years of effective date of the agreement

### Financial Impact

Village of Huntley share based on the current cost estimate, which is subject to change based on final construction costs, is \$6,455,590.96 (including the one-third share credit for engineering fees paid prior to contract award). Upon award of the contract, an initial payment of 33% of \$5,588,923.96 is required. Upon the first anniversary date of the contract award, a second payment of 33% is required. Upon the second anniversary date, a payment of 10% is required. The remainder (24%) is to be paid upon the third anniversary the contract award. Final costs will be adjusted at the end of the project.

### Legal Analysis

The Village Attorney and Staff have reviewed the proposed agreement and all is in order for Village Board consideration.

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

Trustee Leopold asked how the project would be scheduled. Village Manager Johnson reported that it is anticipated that construction will begin with the new westbound lanes and the new bridge while the existing bridge continues to be in use.

There were no other comments or questions from the Committee.

***It was the consensus of the Committee of the Whole to forward on to the Village Board for approval and authorization for the Village President to execute accordingly Resolution (R)2011-10.29 - Intergovernmental Agreement With the Illinois State Toll Highway Authority, the Illinois Department of Transportation, the County of McHenry, the County of Kane, and the Village of Huntley.***

- h) Discussion – Resolution (R)2011-10.30 – General Services Agreement with Layne Christensen Company for the Maintenance and Repair of Village Wells and Pumps

Mayor Sass reported that Layne Christensen Company has been drilling and servicing Village wells and pumps for over 20 years. Because of this long-standing business relationship, Layne Christensen is offering a loyalty discount of 5% to 10 % based on work performed.

### Staff Analysis

Layne Christensen is a sole vendor for all five wells currently installed at Village facilities. The proposed contract is for one-year and can be renewed based on satisfactory performance.

### Financial Impact

On an annual basis, one well pump is budgeted and serviced at a cost of \$60,000 to \$100,000. With the applied discount, this would result in a cost savings of between \$3,000 and \$10,000.

### Legal Analysis

The Village Attorney has reviewed the service agreement presented by Layne Christensen and all is in order for its approval by the Village Board.

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

Trustee Leopold asked if the repair work to the north well had been completed; Village Manager Johnson said that it was completed.

Trustee Fender asked if the loyalty discount would also apply to emergency work performed; Village Manager Johnson stated that it applied to scheduled maintenance work.

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 Resolution (R)2011-10.30 – General Services Agreement with Layne Christensen Company for the Maintenance and Repair of Village Wells and Pumps.***

- i) Discussion – Resolution (R)2011-10.31 – Adoption of the Village of Huntley Americans with Disabilities Act (ADA) Policy

Village Manager Johnson reported that recent state legislation requires municipalities to adopt and publish procedures for resolving grievances arising under Title II of the Americans with Disabilities Act (ADA).

#### Staff Analysis

Local governments with 50 or more employees are required to set out a system for resolving complaints of disability discrimination in a prompt and fair manner. The attached policy is in compliance with the Department of Justice and the basic ADA administrative requirements. In addition, the Village must post certain information about the Americans with Disabilities Act (ADA) on the Village website concerning:

- o the name, office address and telephone number of the American with Disabilities Act coordinator:  
and
- o the grievance procedures adopted by the Village to resolve complaints alleging a violation of Title II of the Americans with Disabilities Act.

The draft policy identifies Jan Stevens, Human Resources Coordinator, as the ADA Coordinator.

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 Resolution (R)2011-10.31 – Adoption of the Village of Huntley Americans with Disabilities Act (ADA) Policy.***

**VILLAGE ATTORNEY’S REPORT:** None

**VILLAGE MANAGER’S REPORT:**

Trustee Leopold commended staff on the good job with traffic control during the Union Pacific Railroad enhancement project on Kreutzer Road.

**VILLAGE PRESIDENT’S REPORT:**

Mayor Sass wished Trustee Piwko a happy birthday which was on October 6<sup>th</sup> and wished Trustee Fender a happy birthday as her birthday was October 7<sup>th</sup>.

Mayor Sass reported that Route 47 mainline paving on the west side from Algonquin to Main will take place on October 7<sup>th</sup> and that it is expected to be completed by rush hour.

Mayor Sass reminded the Board that the Route 47 Construction Crawl was going to be held on October 7<sup>th</sup>, the Tomaso Walk/Run was going to be held on Saturday morning October 8<sup>th</sup> as well as the last Farmers Market. Mayor Sass thanked Staff for their work on the farmers market.

Mayor Sass reminded the Board that the Goodwill Ribbon Cutting is Oct. 12<sup>th</sup> at 9am.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** None

**ACTION ON CLOSED SESSION ITEM:** None

**ADJOURNMENT:**

**There being no further items to discuss, a MOTION was made to adjourn the meeting at 7:45 p.m.**

**MOTION: Trustee Piwko**

**SECOND: Trustee Fender**

**The Voice Vote noted all ayes and the motion carried.**

Respectfully submitted,

Barbara Read  
Recording Secretary