

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
November 18, 2010
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, November 18, 2010 at 7:03 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles Sass; Trustees: Pam Fender, Jay Kadakia, Niko Kanakaris, Harry Leopold, Paul Mercer and John Piwko.

ABSENT: None

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

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

PUBLIC COMMENTS:

Mayor Sass noted that several people had signed up to make public comments and asked that they make their comments during the agenda item which they wish to address.

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) October 28, 2010 Liquor Commission Hearing and the October 28, 2010 Village Board Meeting Minutes

Mayor Sass reported that in the Village Board's packet were the Minutes from the October 28th Liquor Commission Hearing and the October 28th Village Board Meeting and asked if anyone had any comments or changes; there were none.

A MOTION was made to approve the October 28, 2010 Liquor Commission Hearing and the October 28, 2010 Village Board Meeting Minutes

MOTION: Trustee Fender
SECOND: Trustee Piwko
AYES: Trustees Fender, Kadakia, Kanakaris, Mercer and Piwko
NAYS: None
ABSENT: None
ABSTAIN: Trustee Leopold
The motion carried: 5-0-0-1

- b) Approval of the November 18, 2010 Bill List in the Amount of \$419,776.81

Mayor Sass reported that \$227,792.88 or 54% of the Bill List is due to four final payouts for Capital and Street Improvement Projects and Impact Fees paid to the Fire, Park and School Districts.

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

A MOTION was made to approve the November 18, 2010 Bill List in the Amount of \$419,776.81.

MOTION: Trustee Kadakia
SECOND: Trustee Piwko
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

- c) Ordinance (O) 2010-11.58 – An Ordinance Approving a Preliminary/Final Plat of Subdivision, Special Use Permit for Minor Automobile Repair, and Preliminary/Final Planned Unit Development, pursuant to the requirements of Section 156.068 and Section 156.070 of the Village of Huntley Zoning Ordinance, Lot 1 of Bakley’s 18th Addition East and portions of Lot 17 in Bakley’s 17th Addition and Lot 1 in Bakley’s 13th Addition (SEC Route 47/ Joan Avenue)

Senior Planner Charles Nordman reviewed a Power Point Presentation and reported that Auto Tech Centers was founded in 1985 and currently has three locations in McHenry County (McHenry, Crystal Lake and Woodstock) providing minor automobile repair service. The fourth location is proposed on a 0.95-acre site at the southeast corner of Route 47 and Joan Avenue.

The site is zoned B-3 Shopping Center Business, which requires it to be developed as a Planned Unit Development (PUD). Additionally, a Special Use Permit is required for minor automobile repair B-3 district and a Plat of Resubdivision is required to create the 0.95-acre lot.

The Village Board reviewed the concept plan on December 17, 2009 and referred the project to the Plan Commission. The Plan Commission reviewed the concept plan at their March 22, 2010, meeting. Comments received included reducing the amount of masonry block by adding more brick and increasing the amount of landscaping along the east lot line and around the foundation of the building. To address these comments, the petitioner has eliminated the masonry block and added a row of 6 foot tall Arborvitae along the east and south lot line.

Preliminary and Final Plat of Subdivision

The petitioner is proposing to resubdivide Lot 1 in Bakley’s 18th Addition East, Lot 1 in Bakley’s 13th Addition and Lot 17 in Bakley’s 17th Addition. The proposed three-lot resubdivision creates the 0.95 acre Huntley Auto Tech site and two lots south of the Auto Tech site that are dedicated for ingress/egress. The two lots along the south side of the proposed resubdivision, Lot 2 (.0197 ac.) and Lot 3 (0.152 ac.), are undersized and undevelopable and serve only to accommodate an ingress/egress easement for the Huntley Auto Tech site to the north and shopping center to the south. These lots will provide a driveway to Church Street which does not presently exist.

The proposed plat of resubdivision requires the following relief:

1. Relief is required to allow B-3 zoned lots to have a minimum lot area of less than 80,000 square feet and minimum lot width of less than 200 feet for all three lots in the proposed resubdivision. Lots 1, 2, and 3 have an area of 41,206 square feet, 8,594 square feet and 6,647 square feet and lot widths of approximately 186 feet, 66 feet and 46 feet, respectively.

Preliminary and Final Planned Unit Development

Section 156.070(B)(3) of the Zoning Ordinance requires that all land zoned B-3 Shopping Center Business must be developed as a Planned Unit Development (PUD) subject to review and approval by the Plan Commission and Village Board.

Site Plan

The 8,208 square foot automotive repair facility is located on the 0.95 acre B-3 Shopping Center Business zoned lot located at the southeast corner of Route 47 and Joan Street. Site ingress/egress is proposed from Route 47 via the 25 foot-wide access drive at the southwest corner of the site and Joan Street to the northeast. The facility will have ten (10) service bays and approximately 1,400 square feet of retail sales space. The proposed parking area will have 32 parking stalls which exceeds the required number of parking spaces (2 parking spaces per service bay and 4 parking spaces per 1,000 square feet of retail sales or 26 spaces) by six (6) stalls. A bicycle rack is provided near the southwest corner of the building as required for parking areas with 20 or more parking spaces.

Stormwater detention for the site is accommodated within an existing detention basin across Route 47 to the northwest. The trash dumpster enclosure at the southeast corner of the site is proposed with masonry to match the building and solid metal gates.

The proposed site plan requires the following relief:

1. Section 156.106(C)(13) of the Zoning Ordinance requires drive aisles to be a minimum of 24 feet wide. The petitioner is proposing a 22 foot wide drive aisle on the east side of the site.
2. The proposed location of the trash enclosure encroaches into the ten (10) foot required landscape setback. The trash enclosure will be setback 5.24 feet from the east lot line.

Building Façade

The building features a flat, parapet roof with pre-finished metal coping. Exterior materials include various colors of Harvard brick. The aluminum/glass storefront entrance is oriented to face Route 47 and there are three (3) glass and aluminum-framed overhead doors on the north elevation and seven (7) proposed on the south elevation. The roof-mounted HVAC units are required to be screened by the roof's parapet or with the aid of screening devices mounted directly upon the equipment.

Landscaping

Building foundation landscaping is concentrated along the west and north elevations facing Route 47 and Joan Street, respectively. Parkway plantings include four (4) State Street Maples along Route 47, three (3) Accolade Elms along Joan Street and three (3) Autumn Blaze Maples along the Church Street, which meets the street landscaping requirement of 1 tree per 40 feet of frontage. The parkway trees are augmented by clusters of Sumac and shrubbery including Viburnum and Chokeberry.

Plantings along the site perimeter include two (2) Thornless Honey Locust to the southwest and Arborvitae lining both the south and east sides of the site. Screening of the dumpster enclosure is aided by three (3) Arborvitae and four (4) Black Hill Spruce trees.

Lighting

The average illumination within parking lots cannot average less than 2.0 footcandles with a maximum illumination at the property line not to exceed 0.5 footcandles and light poles no more than 20 feet in height. The site plan calls for three (3) Eurotique architectural light fixtures at the north, south and west edges of the parking area. Lighting on the east side of the building will be provided by two (2) Lithonia wall-mounted architectural sconces at the rear and near the northeast corner of the facility.

Signage

A 6 foot tall, 14 foot wide Harvard brick/cast stone capped monument sign with a 49 square foot sign face is proposed at the northwest corner of the site. The sign copy area is divided between the "Auto Tech Center" sign face and an electronic message center that will allow changeable information regarding the business activities.

The proposed electronic message board requires the following relief:

1. The Sign Ordinance prohibits signs that move or flash (§156.25(A)), therefore, relief is required to allow a changeable copy sign that will move and/or flash.

Special Use Permit

In accordance with the Village's Zoning Ordinance, the B-3 Shopping Center Business zoning district allows minor automobile repair as a special use. Accordingly, the petitioner has requested a special use permit to allow Huntley Auto Tech to operate within the proposed Bakley's 19th Addition, Lot 1.

Plan Commission Action

The Plan Commission conducted a public hearing and reviewed the petition at their October 25, 2010 meeting. During the public hearing, several neighboring residents raised concerns regarding potential nuisances posed by the proposed business including noise, odor, traffic, litter and light pollution. Specific concerns were raised regarding the increased traffic on Church Street as a result of the new driveway and the noise that would be created by the air impact wrenches used by Huntley Auto Tech. Neighbors stated the proposed minor automobile repair use is better suited for industrially zoned land.

Having fully heard and considered testimony, the Plan Commission recommended approval of the request by a vote of 5 to 1, 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 petitioners 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.

4. The following easement language excerpt shall be included on the Bakley's 19th Addition Resubdivision: The owner of Lots 2 and 3, as grantor, hereby grants to the owners of Lot 1 and Lot 23 in Bakley's 5th Addition and Lot 17 in Bakley's 17th Addition, their respective tenants, contractors, employees, agents, customers, licensees, invitees, and the subtenants of such tenants, a nonexclusive perpetual easement for ingress and egress by vehicular and pedestrian traffic, but not parking, over and across all of Lots 2 and 3.
5. The petitioner shall obtain final approval of the Landscape Plan from the Development Services Department.
6. The petitioner shall obtain final approval of the Lighting Plan from the Development Services Department.
7. The electronic message center 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.
8. In accordance with the Section 155.221(A)(5) of the Subdivision Ordinance, the developer shall record the Plat of Resubdivision with the Recorder of McHenry County within three months of approval by the Village Board.
9. The petitioner is required to meet all development requirements of the Huntley Fire Protection District.
10. No building plans or permits are approved as part of this submittal.
11. No sign permits are approved as part of this submittal.

Staff Analysis

Following the Plan Commission meeting, at the Village's request, the petitioner and property owner met on the development site with neighbors to discuss their concerns. The meeting was held on Tuesday, November 2, 2010, and included approximately 15 residents from the surrounding neighborhood.

Senior Planner Nordman reported that the Petitioner, Edward Miculinich, and the Property Owner, Ken Bakley, were in attendance to answer questions.

Mayor Sass asked if Board had any comments or questions.

Trustee Fender asked about the location of the sign; Senior Planner Nordman reported that it will be located at the northwest corner of the site and the electronic changeable copy will be required to have a 10 second delay of the message changing. Trustee Fender asked if they will be selling or installing stereo equipment. Mr. Edward Miculinich stated that they will not be selling or installing stereo equipment.

Trustee Piwko asked if they will also be selling tires; Senior Planner Nordman stated that they would be selling tires. Mr. Miculinich stated that they will be selling various brands of tires.

Mr. Miculinich reported that during the meeting with the neighbors he explained the operations of the business, showed the landscape plan and showed how he planned to address the concerns regarding lighting with the planting of Arborvitae which will produce a barrier of lights and noise from the

neighbors. He also reported that the business is closed on Sundays and the garage itself closes at 7:00 p.m. with only the storefront open after 7:00 p.m. for tire sales.

Mayor Sass instructed the audience that the Village Board is interested in their comments but they do not all need to repeat the same comments.

Jeff and Mary Tures, 11618 Ronald Street, Huntley – Mr. Tures stated that most people are not against a revenue generating business in that location but they believe that this business would be better located on the other side of Route 47. Mr. Tures read excerpts from the Zoning Code. Mr. Tures said that he spoke with a realtor who said property values would decrease 10-20%. Mr. Tures stated that he took pictures of the upkeep of the other locations. Mr. Tures stated that the lights from this lot will shine into his house. Mrs. Tures stated that she does not want the noise; the additional traffic will make it more unsafe for the neighborhood as they already get a lot of traffic and there are many children and older people in the area; it will be a disruption of the neighborhood.

Axel and Laura Paiz, 10322 N. Church Street, Huntley – Mr. Paiz stated that he is concerned for the safety of their four children as they tend to play in front of the house. Mr. Paiz stated that the garage doors will be facing his house and the noise will be too much. He asked who will be monitoring the noise.

John and Patti Wuich, 11633 Joan, Huntley – Mr. Wuich stated that he was a mechanic for 20 years and 80 decibels is equivalent to a jackhammer. He then stated that the Petitioner stated that his equipment will be no more than 82 decibels. Mr. Wuich stated that he believes this is not the right location for this business. Mrs. Wuich asked where the waste tires will be stored. Mr. Wuich stated that if the tires are stored outside they breed mosquitoes. Mrs. Wuich also stated that an auto mechanic business is a very dirty business and they have all invested a lot on time and money in their neighborhood. Mrs. Wuich stated that they currently can hear the car wash on the west side of Route 47 from their property and this will be much closer.

Troy Hall, 10412 Church Street, Huntley – Mr. Hall stated that he has four children and safety is his number one issue; there is already a lot of traffic. Noise is also an issue.

Mayor Sass asked the other residents if they wished to make a public comment; they did not.

Ken Bakley, the property owner, stated that there is already a lot of traffic on Church and that it should be patrolled more or have slower speed limits. He stated that the proposed access road will not bring much more traffic. The access road will probably only move traffic that wishes to go south out of the strip center. Mr. Bakley stated that the addition of the Arborvitae will be helpful as it is a nice bush that is green all year long. Mr. Bakley stated that tires will be stored inside.

Trustee Fender stated that the project has both pros and cons. Positive elements are that the building is brick and will keep in much of the noise and this type of business will not have a lot of traffic. Negative elements are that the bay doors are on the back of the building and the access road. Trustee Fender requested that the access road be eliminated. Mr. Bakley stated that this cannot be done. Trustee Fender also recommended that a fence be installed for privacy and noise reduction.

Trustee Kadakia asked what the traffic projections were. Mr. Bakley stated that it will not be a steady flow of traffic and it will be not be vehicles all leaving at the same time. Trustee Kadakia asked what type of vehicles will be worked on in the auto center. Mr. Miculinich stated that it will be mostly passenger vehicles and light trucks such as pick-up trucks.

Trustee Fender suggested that the access road be installed at a later date, if necessary. Mr. Bakley stated that was not feasible. Trustee Fender stated that she would not approve an access road unless a traffic signal is installed at Route 47 and Joan Avenue.

There were no other comments from the Village Board.

A MOTION was made to TABLE Ordinance (O) 2010-11.58 – An Ordinance Approving a Preliminary/Final Plat of Subdivision, Special Use Permit for Minor Automobile Repair, and Preliminary/Final Planned Unit Development, pursuant to the requirements of Section 156.068 and Section 156.070 of the Village of Huntley Zoning Ordinance, Lot 1 of Bakley’s 18th Addition East and portions of Lot 17 in Bakley’s 17th Addition and Lot 1 in Bakley’s 13th Addition (SEC Route 47/ Joan Avenue).

MOTION: Trustee Fender
SECOND: Trustee Kanakaris
AYES: Trustees Fender, Kadakia, Kanakaris and Mercer
NAYS: Trustees Leopold and Piwko
ABSENT: None
The motion carried: 4-2-0

Mayor Sass asked what direction the Board would like to give the petitioner in order to move forward.

Trustee Fender stated that the biggest problem was the installation of the access road and she would also like a fence installed.

Trustee Mercer stated that the traffic flow at the shopping center is lumped into this petition and wants the flow of traffic improved without adding the access road. Trustee Mercer asked the property owner to look into seeing if there could be better access.

Village Manager Johnson stated that Staff can review the traffic volume and work with the petitioner and come up with actual numbers for the shopping center and the auto center.

- d) Referral of Bravo Properties, LLC to the Plan Commission to begin the formal development review process

Senior Planner Charles Nordman reviewed a Power Point Presentation and reported that Bravo Properties is proposing to construct a 128-unit supportive living facility on a 5.4-acre site within Regency Square, immediately north of Heritage Woods Assisted Living. The proposed supportive living facility will house residents with physical disabilities ranging in age from 22 to 64 years. The facility will have nursing and direct care staff on-site 24 hours a day to assist residents with daily activities dependant on their level of

need. The facility will be operated by BMA Management, Ltd., which also operates Heritage Woods Assisted Living. It is estimated that the project will create 45 new jobs.

The proposed site plan calls for a 3-story (117,870 square foot) building and parking for 128 vehicles (27 of the 128 parking spaces would be landbanked), which conforms to the maximum building height and parking requirements for the BP Business Park zoning district. The proposed exterior building materials would include a combination of Northfield Stackstone, red utility brick, and cement board siding.

Staff Analysis

The proposed site is zoned BP Business Park and must be developed in accordance with the Regency Square Development Guidelines, which require a special use permit for a congregate care facility. Additionally, the proposed plan will require approval of a plat of resubdivision and site plan review.

Senior Planner Nordman reported that the petitioners were present to answer questions.

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

Trustee Leopold asked for the addresses of the closest supportive living facilities were so that he may visit them for a better understanding.

The attorney for the project, Tom Burney introduced Mr. Lou Leonard and Mr. Zach Leonard from Bravo Properties, LLC.

Mr. Zach Leonard reported that similar facilities may be found in Aurora and McHenry and noted that the building itself and operations will be very similar to Heritage Woods. Mr. Leonard stated that he would provide addresses of the other facilities.

Trustee Leopold asked what exactly is meant by domesticated animals. Mr. Zach Leonard reported that the facility may also have small pets, mainly dogs, for the residents to care for and groom. Mr. Leonard reported that part of the goal is to have residents have entrepreneurial pursuits and be active in the community; therefore, dog grooming would help to achieve this goal. Trustee Leopold asked about the road construction and noted that he would like more trees. Village Manager Johnson stated that Staff will follow up with the developer and that the Village's recommendation is to extend the road to the north to the end of the property.

Trustee Kadakia asked what the distance was from the back of the proposed building to Kreutzer Road; Trustee Leopold stated that it had to be several hundred feet.

Trustee Fender stated that she had known someone in the Blair Minton facility in McHenry, and she liked the consistency of care received by their residents.

Mayor Sass asked if there were other questions or comments; there were none.

It was the consensus of the Village Board to refer the Bravo Properties, LLC project to the Plan Commission to begin the formal development review and approval process.

- e) Payout Request No. 1 (Final) in the amount of \$10,889.50 – Plote Construction, Inc. – Reed Road Additional Resurfacing

Mayor Sass reported that the Reed Road Reconstruction project began on April 19, 2010. The road reconstruction started just east of Haligus Road to 300 feet west of Cambridge Drive (the entrance to Southwind). The total length of improvements was 2,418 feet. The easternmost ending point was the terminus of the Village’s jurisdiction. In 2009, the Village of Lake in the Hills (LITH) resurfaced the portion of Reed Road under their jurisdiction east of Huntley’s project; however, it was determined at the commencement of our project that approximately 300 feet of Reed Road west of Cambridge Drive/Annandale Drive, which is under LITH’s jurisdiction, was not resurfaced during that time.

Staff Analysis

Earlier this year, Village staff contacted LITH to notify them of the gap and offered to execute a change order to our contract for the repair and resurfacing of this portion within LITH municipal boundaries so there would be no gap between the improved pavement surfaces. On May 27, 2010, the Village Board approved Resolution (R)2010-05.27 authorizing the execution of an Intergovernmental Agreement between the Villages of Huntley and Lake in the Hills for paving work on Reed Road.

Financial Impact

The original total cost was \$11,021.60. Through the proposed Intergovernmental Agreement, LITH agreed to pay the Village a flat fee of \$5,520.00 for the work performed at the completion of the project. This payment has been received from LITH. The remainder will be paid by the Village via the Development Agreement with Centegra Health System/NIMED Corp. for Reed Road Reconstruction (Resolution (R)2009-04.19).

The project is 100% complete. Waivers of Lien and Payroll Certifications have been received

<u>Pay Request</u>	<u>Completed Work</u>	<u>Retention</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1 (Final)	\$10,889.50	-0-	-0-	\$10,889.50

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

A MOTION was made to approve Payout Request No. 1 (Final) in the amount of \$10,889.50 – Plote Construction, Inc. – Reed Road Additional Resurfacing.

- MOTION: Trustee Kadakia**
- SECOND: Trustee Kanakaris**
- AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko**
- NAYS: None**
- ABSENT: None**
- The motion carried: 6-0-0**

- f) Payout Request No. 3 (Final) in the amount of \$16,929.86 – Big Time Construction, Inc. – Northbridge Subdivision Public Improvement Concrete Repairs

Mayor Sass reported that at the August 27, 2009 Village Board meeting the Village Board authorized the Village Manager to execute a Letter of Understanding with Lennar, Inc. for the repair of public driveway approaches, sidewalk and curb/gutter in the Northbridge Subdivision. The cost of design and construction engineering paid for by Lennar was \$189,803.33. On December 17, 2009, the Village Board awarded the contract for the Northbridge Subdivision Public Improvement Concrete Repairs to Big Time Construction, Inc.

Staff Analysis

The project is 100% complete. Payout #3 (Final) includes payment of all retained amounts. Waivers of Lien, Payroll Certifications and the required 1 year maintenance bond have been received.

Financial Impact

Funds for the project in the amount of \$189,803.33 have been received from Lennar. No Village funds were used for the project. [Capital Projects Fund (Special Projects) #02-10-4-6925]

<u>Pay Request</u>	<u>Completed Work</u>	<u>Retention</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1	\$81,064.00	\$8,106.40	-0-	\$72,957.60
#2	\$169,298.58	\$16,929.86	\$72,957.60	\$79,411.12
#3 (Final)	\$169,298.58	-0-	\$152,368.72	\$16,929.86

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

A MOTION was made to approve Payout Request No. 3 (Final) in the amount of \$16,929.86 – Big Time Construction, Inc. – Northbridge Subdivision Public Improvement Concrete Repairs.

MOTION: Trustee Leopold
SECOND: Trustee Fender
AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

- g) Payout Request No. 2 (Final) in the amount of \$3,430.44 – Chicagoland Paving Contractors, Inc. – Marlowe Bike Path Project

Mayor Sass reported that on August 12, 2010, the Village Board awarded the contract for the Marlowe Bike Path Project to Chicagoland Paving Contractors, Inc. in the amount of \$48,310.00.

Staff Analysis

On October 14, 2010 the Village Board approved Payout Request #1. The project is 100% complete. The total amount of work completed comes in \$14,005.64 lower than the original contract amount.

Payout #2 (Final) includes payment of all retained amounts. Waivers of Lien, Payroll Certifications and the required maintenance bond have been received. The Village Engineer recommends payment to Chicagoland Paving Contractors, Inc. in the amount of \$3,430.44.

Financial Impact

<u>Pay Request</u>	<u>Completed Work</u>	<u>Retention</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1	\$34,304.36	\$3,430.44	-0-	\$30,873.92
#2 (Final)	\$34,304.36	-0-	\$30,873.92	\$3,430.44

The FY2010 Budget includes funding for the project in the amount of \$45,000.00. The funding sources are through the Capital Projects Fund 02-10-4-6925 (\$22,500.00) and the Street Improvement Fund 04-00-4-7500 (\$22,500.00).

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

A MOTION was made to approve Payout Request No. 2 (Final) in the amount of \$3,430.44 – Chicagoland Paving Contractors, Inc. – Marlowe Bike Path Projects.

- MOTION: Trustee Piwko**
- SECOND: Trustee Leopold**
- AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko**
- NAYS: None**
- ABSENT: None**
- The motion carried: 6-0-0**

h) Approval of the following Resolutions allowing Snow Plow Agreements as follows:

- i) Approval of Resolution (R)2010-11.46 – A Snow Plow Agreement with Richmond American Homes for the Lion’s Chase Subdivision
- ii) Approval of Resolution (R)2010-11.47 – A Snow Plow Agreement with Huntley Venture for the Talamore Subdivision
- iii) Approval of Resolution (R)2010-11.48 – A Snow Plow Agreement with Pistakee Partners, L.L.C. for the Regency Square Subdivision

Mayor Sass reported that snowplow agreements for Pistakee Partners, L.L.C., Huntley Venture and Richmond American Homes have been prepared. The agreement is the same for each development and will be signed individually by the Mayor and an authorized agent from each respective developer. The same agreements were executed with each developer last year.

Proposed Snow Plow Agreement

A. SCOPE OF WORK

The scope of routine work for the respective subdivision is listed as follows, and shall constitute the general responsibilities to be assumed by the Village of Huntley in carrying out the provisions in the contract.

1. Roads shall be snowplowed on same schedule as Village roads and will be plowed from curb to curb at the end of each snowfall.
2. Ice control shall consist of spot salting only.
3. Any additional Roads may be added to this contract at the unit price shown in the agreement.
4. If conditions warrant the use of heavy equipment (Endloader) due to drifting or heavy snow, there will be an additional charge as shown in the list of locations and cost.
5. (Developer) shall indemnify and hold the Village of Huntley harmless for any actions, damages, causes of action, claims or expenses resulting from contamination, damage, property damage or personal injury on (Developer) property arising from snowplowing and salting on all roads covered by this agreement.

B. DURATION OF CONTRACT

This contract shall be in full force for a one year period, renewable annually following the date and acceptance of the contract, subject, however, to the right of (Developer) to cancel and terminate the same at any time by giving thirty (30) days notice in writing to the Contractor. In the event of such cancellation the Contractor shall be entitled to receive payment for services and work performed and materials furnished under terms of the contract prior to the effective date of such cancellation, but shall not be entitled to receive any damages on account of such cancellation or any further payment whatsoever.

C. ROAD HAZARDS

(Developer) shall prevent all infrastructures from causing damage to snowplows. (Developer) shall also prevent mud and debris from accumulating or being placed on the roadway causing a driving hazard for snowplow operators.

D. CONTRACTOR'S RECORDS

Any records required to be maintained by the Contractor, under terms of this contract as well as any other records of the Contractor of which form the basis of affidavits, invoices or bills, made by the Contractor under this contract shall be open to inspection and verification by (Developer).

E. LOCATIONS AND COST

- All non-dedicated streets located within the Subdivision
- \$100.00/HR for snowplowing and spot salting
- Requested additional snowplowing and salting will be a two-hour minimum charge \$200.00 dollars and \$100.00 dollars there after
- Heavy Equipment rate (Endloader w/operator) \$125.00 per hour

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

A MOTION was made to approve Resolution (R)2010-11.46 – A Snow Plow Agreement with Richmond American Homes for the Lion’s Chase Subdivision.

MOTION: Trustee Kadakia
SECOND: Trustee Fender
AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

A MOTION was made to approve Resolution (R)2010-11.47 – A Snow Plow Agreement with Huntley Venture for the Talamore Subdivision.

MOTION: Trustee Leopold
SECOND: Trustee Kanakaris
AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

A MOTION was made to approve Resolution (R)2010-11.48 – A Snow Plow Agreement with Pistakee Partners, L.L.C. for the Regency Square Subdivision.

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustees Fender, Kadakia, Kanakaris Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

i) Policy Direction -Village of Huntley Property Tax Levy Ordinance

Village Manager David Johnson reported that the Village Board must approve the annual property tax levy in sufficient time to file the approved property tax levy ordinance with the County Clerks by the last Tuesday in December, which is December 28, 2010.

Village Manager Johnson reported that the Village received updated information since the Village Board Packet was distributed therefore the numbers in the Board Packet are different.

Village Manager Johnson reported that the McHenry County EAV reduction approximately 6%; however, this number will not be final until Spring 2011. Village Manager Johnson reported that Jennifer Chernak, the Director of Finance and Human Resources, will proceed with a full report.

Director of Finance and Human Resources Jennifer Chernak reviewed a Power Point Presentation and reported on the following:

Property Tax Extension Limitation Law (PTELL)

- PTELL is designed to limit the increases in property tax extensions (total taxes billed) for non-home rule taxing districts.
- The collar counties (DuPage, Kane, Lake, McHenry and Will) became subject to the PTELL for the 1991 levy year for taxes paid in 1992.
- Under this legislation, the Village’s maximum property tax increase without requiring referendum approval is limited to the lower of 5.0% or the consumer price index (CPI).
- The County Clerks have notified the Village that the CPI to use for the 2010 property tax levy is 2.7%, which has increased from the 2009 CPI rate of 0.1%.

Truth-in-Taxation Disclosure Requirements

- The Village of Huntley is required to comply with Public Act 89-102, known as the “Truth in Taxation Act.”
- This Act places requirements on the Village in the adoption of the 2010 property tax levy if the proposed 2010 gross property tax levy is 105% greater than the 2009 net property tax extension.

The actual Truth in Taxation publication percentage increase is distorted because the required comparison is from the *prior year actual levy receipts* to the *current year request*. For example, the actual increase in property tax extensions from 2008 levy (\$3,489,390) compared to the actual extensions from the 2009 levy (\$3,608,068) is 3.29% however; the Truth in Taxation increase for 2010 will show a 5.32% increase. (\$3,608,068 actual 2010 receipts vs. \$3,800,000 request).

Village Board policy has been for the levy request to exceed 105% of the prior year’s property tax extension for the following reasons:

1. The Village does not levy for the tax rate, the Village levys for dollars. The rate is calculated based on the total request. It is recommended that the dollar request be greater than the anticipated dollar amount to allow for adjustments by the counties in their calculations of the assessed values and added multipliers.
2. As a non-home rule community, the Village cannot recover any lost levy dollars if a levy request is not maximized due to the calculation of the property tax caps.

	2009 Tax Levy		2010 Tax Levy
2008 levy collections:	\$3,489,390 →	2009 Collections:	\$3,608,068 = +3.4%
	↓		↓
2009 Levy Request:	\$3,665,000	2010 Levy Request:	\$3,800,000
	↓		↓
Truth in Taxation:	+5.03%	Truth in Taxation:	+5.32%

The increase in actual property tax collections from the 2009 of \$3,608,068 to our estimated 2010 tax levy collections of \$3,749,604 is 3.92%.

Estimated 2010 Tax Rate-Payable 2011

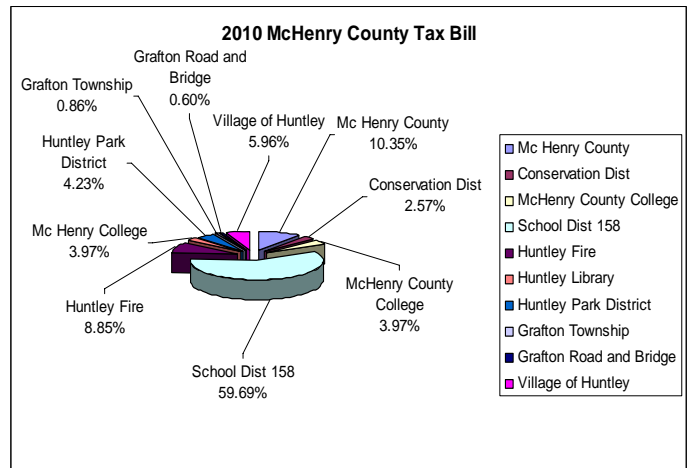
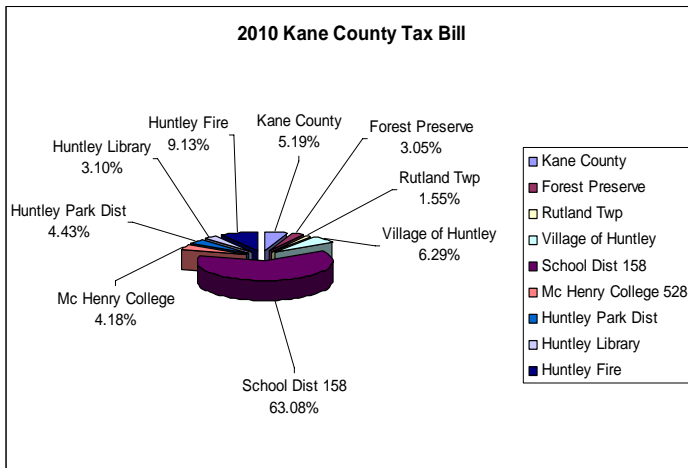
	Market		Assessed		VOH**	
Levy/Bill	Value		Value	Rate	Taxes	
2009/2010	\$ 225,000.00	33.33%	\$ 74,992.50	0.4116	\$ 308.67	
2010/2011						Change
-10%	\$ 202,500.00	33.33%	\$ 67,493.25	0.4486	\$ 302.77	\$ (5.89)
-6%	\$ 211,500.00	33.33%	\$ 70,492.95	0.4486	\$ 316.23	\$ 7.56
-3%	\$ 218,250.00	33.33%	\$ 72,742.73	0.4486	\$ 326.32	\$ 17.65
-2%	\$ 220,500.00	33.33%	\$ 73,492.65	0.4486	\$ 329.69	\$ 21.02

**Village of Huntley property taxes are lower than most HOA fees.

Effect on Individual Tax Bills

- PTELL limits increases in taxing districts’ extensions; however, individual tax bills may still increase more than 5 percent or the CPI increase:
 - The property had been under assessed in relation to other properties and is reassessed.
 - The property has a greater share of the tax burden because the assessed value of other property was decreased.

2010 County Tax Bill Distribution



- The Village does not set the tax rate. The rate is a result of the dollars available allocated by the total dollars allowed under the tax caps.
- The County Clerks ensure that the Village’s net levy does not exceed the legally authorized limits.
- The tax levy process *is an estimation* based on assessed valuations (increases or decreases), estimated new construction (9.8 million) and annexations that have occurred during the year as reported by the townships.
- Final Tax bill calculations can be affected by county and state multipliers.

The following schedule will be followed for the 2010 Tax Levy process:

- November 18, 2010 Present a notice estimating the amount of funds to be levied for 2010 tax levy.
- November 29, 2010 Publish Notice of Public Hearing and Truth in Taxation disclosure.
- December 9, 2010 Public Hearing held during the scheduled Village Board Meeting
- December 9, 2010 Village Board to approve:
 - a.) 2011 Annual Budget
 - b.) 2010 Property Tax Levy Ordinance
 - c.) 2010 Special Service Area Levy Ordinances**

**Truth in taxation requirements and public hearings are not part of the Special Service Area levies because these levies are strictly bond and interest repayments. The Special Service Area levies are calculated by the Service Area Administrator based on debt service repayment needs.

In conclusion, Finance Director Chernak requested the Village Board to provide direction to conduct a public hearing on December 9, 2010 to elicit comments on the 2010 tax levy and direct staff to prepare a Tax Levy Resolution and Truth-in-Taxation notice based on a dollar request of \$3,800,000.

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

It was the consensus of the Village board to direct staff to conduct a public hearing on December 9, 2010 to elicit comments on the 2010 tax levy and direct staff to prepare a Tax Levy Resolution and Truth-in-Taxation notice based on a dollar request of \$3,800,000.

VILLAGE ATTORNEY'S REPORT: None

VILLAGE MANAGER'S REPORT:

Trustee Piwko noted the barricade placement on East Main Street in front of the Parkside Pub and asked if there will be parking on the south side of Main Street; Village Manager Johnson reported that there will not be parking on the south side of Main Street.

VILLAGE PRESIDENT'S REPORT:

Mayor Sass reported that the Trustee received a Route 47 Power Point showing the winter staging condition of the project.

Mayor Sass asked those Trustees that were in attendance to give a report on McCOG meeting. Trustee Fender reported that developers gave a presentation about the economy. Trustee Kadakia reported that the Village's administration is doing everything that was suggested in the presentation.

Mayor Sass reminded the Village Board that there will be no meeting next week due to it being Thanksgiving.

Mayor Sass reported that the FY2011 Budget will be distributed on Friday, November 19th.

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 8:31p.m.

MOTION: Trustee Kadakia

SECOND: Trustee Kanakaris

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary