

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
March 13, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, March 13, 2008 at 7:00 p.m. in the Municipal Complex Village Board Room 10987 Main St, Huntley, Illinois 60142.

ATTENDANCE:

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

ABSENT: None

IN ATTENDANCE: Village Manager Carl Tomaso, Assistant Village Manager David Johnson, Village Attorney Mike Coppedge, Management Assistant Barb Read, and Recording Secretary Anita Powers of Karick & Associates.

PLEDGE OF ALLEGIANCE:

Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS

None

ITEMS FOR CONSIDERATION:

- A. Approval of February 21, 2008 Village Board and February 28, 2008 Village Board Meeting Minutes and the following Executive Session Meeting Minutes; April 5, 2007; May 3, 2007; June 7, 2007; June 21, 2007; July 12, 2007; August 9, 2007; September 13, 2007; October 25, 2007; December 6, 2007; December 13, 2007; January 10, 2008; February 7, 2008; and February 21, 2008.

A MOTION was made to approve the February 21, 2008 Village Board and February 28, 2008 Village Board Meeting Minutes

MOTION:	Trustee Leopold
SECOND:	Trustee Fender
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

A MOTION was made to approve, but not release, the following Executive Session Meeting Minutes: April 5, 2007 and May 3, 2007

MOTION: Trustee Piwko
SECOND: Trustee Fender
AYES: Trustees Fender, Leopold, Mercer, and Piwko
NAYS: None
ABSTAIN: Trustees Kadakia and Kanakaris
Motion carried 4:0:2

A MOTION was made to approve, but not release, the following Executive Session Meeting Minutes: June 7, 2007

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

A MOTION was made to approve, but not release, the following Executive Session Meeting Minutes: June 21, 2007; July 12, 2007; August 9, 2007; September 13, 2007; October 25, 2007; December 6, 2007; December 13, 2007; January 10, 2008; and February 21, 2008.

MOTION: Trustee Leopold
SECOND: Trustee Kanakaris
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

A MOTION was made to approve, but not release, the following Executive Session Meeting Minutes: February 7, 2008

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

B. Approval of Resolution (R)2008-03.08 - Temporary Use Permit Request – 2008 Seasonal Sales – Jewel Food Stores, 13200 Village Green Parkway

Petitioner: Jewel Food Stores

Village Manager Tomaso reported that Jewel/Osco is requesting a temporary use permit to conduct their seasonal outdoor sales of merchandise for 2008. The request is for the following time periods:

1. Spring Garden Center- Sale Dates: April 7, 2008 through July 5, 2008
2. Fall Foliage Sales - Sale Dates: August 10, 2008 through September 13, 2008
3. Fall Pumpkin Patch- Sale Dates: October 2, 2008 through November 1, 2008
4. Winter Wreaths – Sale Dates: November 10, 2008 through December 24, 2008

The merchandise would be displayed as depicted in the site plans; there are no changes from last year. There is no request for a tent this year.

The request falls under the *Special Promotion* heading of the Temporary Use section of the Zoning Ordinance. The ordinance stipulates that a Special Promotion shall be permitted for a period of not more than 72 consecutive hours. The petitioner is requesting an extension of the time limit request for the sale of the above referenced items for up to ninety (90) days to accommodate the dates outlined above.

Village Manager Tomaso noted that the manager of Jewel/Osco has submitted a letter assuring that the parking lot islands will be maintained.

Trustee Mercer requested that staff coordinate with the Village Forester regarding ground cover and plants to be used in these island areas. Village Manager Tomaso stated that staff will follow up with the Village Forester on this issue to obtain his recommendation.

Conditions of Approval:

1. The standard \$75 temporary use permit fee for each request (\$300 total) must be paid by Jewel/Osco prior to displaying the merchandise.
2. Walkways must be kept clear and all materials kept at least 3 feet from the curb.

A MOTION was made to approve Resolution (R) 2008-03.08 granting a request for a temporary use permit for the seasonal sale of outside merchandise for 2008 subject to the conditions referenced above

MOTION:	Trustee Leopold
SECOND:	Trustee Kanakaris
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

C. Approval to Execute an Extension of the Comcast Cable Communications, Inc. Franchise Agreement from March 15, 2008 to May 30, 2008

Mayor Sass reported that in 2002, a Franchise Agreement was negotiated and signed with United Cable Television Corporation of Northern Illinois now Comcast Cable Communications, Inc.

In November 2007, the Village Board approved a resolution to join the Fox Valley Regional Cable Commission (FVRCC). At that same time, the Board approved an extension of the Village's current Franchise Agreement to March 15, 2008 in order to have same expiration date as the other Cable Commission members.

The FVRCC is still in negotiations with Comcast regarding the Franchise Agreement. The Comcast proposed Franchise Agreement has been reviewed by the FVRCC, changes made, and is currently back for review by Comcast.

It is important to note that State Statutes significantly restrict local government agencies negotiations with cable franchises. There are specific regulations that establish limits and restrictions on local franchise fees and operations.

As the March 15th expiration date is near, the cable commission has requested, and Comcast concurs to an extension of the existing Franchise Agreements to May 30, 2008.

A MOTION was made to Authorize the execution of an Extension of the Comcast Cable Franchise Agreement with Comcast of Northern Illinois, Inc. from March 15, 2008 to May 30, 2008.

MOTION:	Trustee Piwko
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion carried	6:0:0

D. Approval of Ordinance (O)2008-03.13 - Adoption of the McHenry County Public Health Open Burning Ordinance

Village Manager Tomaso reported that on December 4, 2007 the McHenry County Board approved an Ordinance amending Article III of the McHenry County Public Health Ordinance to address the open burning of landscape waste. This Ordinance becomes effective April 1, 2008 and includes all of McHenry County.

The McHenry County Department of Health is primarily responsible for the enforcement of the Ordinance. However, any enforcement officer of the McHenry County Department of Health, law enforcement agency, fire department or fire protection district is authorized to enforce the provisions of the article. The Huntley Police Department will be responding to complaints of the McHenry County Open Burning of Landscape Waste Ordinance in the immediate future.

After April 1, 2008 the Huntley Police will begin to charge violators of the Ordinance. With a local ordinance in place, the officer can simply issue a P-Ticket, which would be similar to a parking ticket, to the individual at the scene of the violation. The ticket could then be paid for directly at the police department without having to involve the attorney and court costs. Under Village of Huntley local ordinance, 100% of the fines collected will be sent to the McHenry County Department of Public Health.

Village Manager Tomaso reviewed the exemptions and restrictions from the Ordinance and gave an overview of the enforcement, violations, and penalties.

Trustee Piwko asked who would issue the permit for a landscape burn. Village Manager Tomaso advised that the permit would be issued through the County Health Department. The local Fire Department would also need notification.

Trustee Kadakia asked who would determine if visibility was acceptable for a burn. Village Manager Tomaso stated that the Health Department would assess and advise at the time of the event pursuant to the Open Burning Ordinance provisions. The Police Department could handle any complaint or safety issue at the time of the burn.

Staff is working with legal counsel to explore an Intergovernmental Agreement with Kane County regarding Ordinance enforcement. The current Ordinance will only be applicable to the McHenry County portion of the Village of Huntley.

Approval of Ordinance (O)2008-03.13 - Adoption of the McHenry County Public Health Open Burning Ordinance

MOTION:	Trustee Piwko
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko

NAYS: None
ABSTAIN: None
Motion carried 6:0:0

VILLAGE ATTORNEY'S REPORT:

No report

VILLAGE MANAGER'S REPORT:

Trustee Mercer asked if Jewel will be replacing trees. Village Manager Tomaso stated that trees will be addressed with Jewel.

VILLAGE PRESIDENT'S REPORT:

Mayor Sass announced that there will be no Village Board Meeting on March 20th.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Trustee Fender announced that she is working on a committee to plan celebrations for Abraham Lincoln's 200th Birthday in 2009. She asked that Trustees forward ideas to her regarding the year-long celebration.

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 7:27pm.

MOTION: Trustee Piwko
SECOND: Trustee Kadakia
Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.