

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

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, November 13, 2008 at 7:00 p.m. in the Municipal Complex Village Board Room 10987 Main Street, 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 David Johnson, Village Clerk Rita McMahon, Management Assistant Barb Read, Management Assistant Margo Griffin, Village Attorney Mike Coppedge, 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 October 2, 2008 Village Board Meeting; October 9, 2008 Village Board Meeting; and October 23, 2008 Village Board Meeting Minutes

A MOTION was made to approve the October 2, 2008 Village Board Meeting Minutes as presented.

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

A MOTION was made to approve the October 9, 2008 Village Board Meeting Minutes as presented.

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

A MOTION was made to approve the October 23, 2008 Village Board Meeting Minutes as presented.

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

B. Approval of Resolution (R) 2008-11.56 - Temporary Use Permit Request – Faith Community Church – Temporary Banner, 10547 Faiths Way

Petitioner: Faith Community Church – Cyndi White

Mayor Sass reported that Staff is in receipt of a request from Faith Community Church to install one (1) 4’ by 12’ temporary banner advertising a family Christmas event the church is hosting on Sunday, December 14, 2008. The proposed banner will be single sided and located at the south end of the church’s property facing Algonquin Road. The banner would be installed immediately following approval by the Village Board and removed at the conclusion of the event. The Village Board’s authorization for this request is required in accordance with the Sign Code §153.17 Prohibited Signs, subparagraph (K) Banners and Flags.

Additionally, Faith Community Church has requested the Village Board to waive all required permit fees for the banner.

Mayor Sass asked if there were any questions. There were none.

A MOTION was made to approve Resolution (R)2008-11.56 - granting a request for a temporary use permit and waiving required permit fees for a banner at Faith Community Church, 10547 Faiths Way.

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

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

C. Approval of Ordinance (O)2008-11.67 - Allowing 11004 Route 47 to Continue as Legal, Non-conforming

Petitioner: Mary Ellen Moerke, owner

Village Manager Johnson presented a PowerPoint presentation including aerial photos of the property.

Due to the impending widening of Route 47 between Kreutzer Road and Reed Road, IDOT will be acquiring additional right-of-way from the property at 11004 Route 47. The part to be acquired includes a strip of land across the entire frontage of the site that extends into the site 16.02 feet at the south property line and arcing into the site to a point on the north property line 69.23 ft. into the site. The total area to be acquired is 0.046 acre or 2,004 square feet. The property is located immediately south of Huntley Court, which includes the Subway sandwich shop, and north of another residence that has been converted to business use. Ms. Mary Ellen Moerke currently resides at the property, which is zoned R-2, single-family residential, and is currently non-conforming due to setbacks. The property was rezoned from B-2 to R-2 in November, 2007, to enable the resident to refinance the property as a residence, which the owner still occupies and would like to continue to do so after the widening of Route 47.

The area to be acquired from IDOT currently includes: part of an asphalt drive, part of a concrete walk, four large trees, two bushes, and a line of shrubs along the north property line. Access to the property will also be changed. The property will no longer have its own driveway with direct access onto Route 47. Instead, the access to Route 47 will be a shared drive with the commercial property to the north. As part of the road improvement project, there will be a new service drive constructed between Route 47 and the properties on the east side of Route 47. The curb line of the service drive will be approximately five feet from the northwest corner of the residence. The total area to be acquired is 0.046 acre.

Village Manager Johnson reviewed the Bulk Regulations and presented an exhibit highlighting the proposed right-of-way and the existing lot.

With the conclusion of the PowerPoint presentation, Village Manager Johnson asked if there were any questions.

Trustee Leopold asked if IDOT has acquired the right-of-way. Mr. Steve Greeley, attorney for the petitioner, stated that the petitioner is waiting for the Village's decision before she works out a deal with IDOT. He noted that IDOT's offer will be adjusted if she needs to relocate.

Trustee Leopold asked if IDOT will buy the entire property. Mr. Greeley stated that IDOT does not want to buy the entire property but would offer an additional dollar amount if the petitioner is displaced. Ms. Moerke stated that she would like to continue to live in the home if possible and noted that she understands that there could be an effect on the value of her property.

A MOTION was made to approve Ordinance(O)2008-11.67 - for the property at 11004 Route 47 to continue as legal, non-conforming

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

D. Approval of Ordinance (O)2008-06.40 - Petition No. 08-3.3, J. Jireh's Corporation and The Portofino Group, LLC, , Requesting (i) A text amendment to the Village's Zoning Ordinance Table II adding as a Special Use in the B-3 District "apartments above first floor business and office uses"; (ii) A zoning map amendment rezoning of the most westerly 19.80 acres more or less of Parcel 2 to R-4 Townhomes and Condominiums; (iii) A Special Use Permit for a Preliminary Planned Unit Development for the total subject Property; (iv) Preliminary Plat of Subdivision for the total subject Property; and (v) Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley, all pursuant to the requirements of the Zoning Ordinance, including specifically Section 156.120 et seq.

Petitioners: The Portofino Group, LLC and J. Jireh Corporation

On April 24, 2008 at the Village Board meeting the Portofino Group, LLC presented their petition to the Village Board for consideration. At that meeting, the unanimous policy consensus of the Village Board was to direct the petitioner to resolve the access alignment issue with the three property owners on the east side of Route 47 directly across from the subject site. The petitioner has been attempting to resolve this issue to date. No resolution has been reached.

In accordance with Village of Huntley Zoning Code of Regulations Section 156.124 Review Procedures, the Corporate Authorities are required as specified in Section (C) to take specific action regarding the petitioner's request. Specifically, action needs to be taken within 60 days of the public hearing that is held before the Zoning Board of Appeals (ZBA). The public hearing was held before the ZBA on April 16, 2008, thus the 60 day period ended on June 16, 2008.

The ordinance does not state a specific time period extension for a stay of proceedings.

At the June 12, 2008 and July 24, 2008 Village Board Meetings, Mr. Gary Marks, President and CEO of the Portofino Group, submitted letters to Mayor Sass and Board of Trustees requesting a continuation which was a suspension of the original 60 day time frame. The petitioner's requests were approved at the meetings.

At the August 21, 2008 Village Board meeting, Mr. Marks submitted a letter to the Village respectfully requesting a continuation for a period of 90 days. The petitioner's request was approved at the meeting.

On November 3, 2008, Mr. Gary Marks submitted a letter to the Village respectfully requesting another continuation for a period of 90 days. The petitioner's request needs to be considered by the Village Board along with the other options as referenced below.

In accordance with the code regulations the Village Board is required to do one of the following:

- Approve the petition
- Approve the petition with modifications
- Refer the proposal back to the Zoning Board of Appeals or Planning Commission for further consideration
- Disapprove the petition
- Enact a continuation of the proceedings that must be mutually agreed upon by the petitioner for further review to address open ended issues. This simply means that the 60 day decision deadline period is suspended in order for the petitioner to attempt to resolve and/or address any open ended issues. At the end of the continuation period, the remaining time left in the 60 day time period would conclude and at that point a decision would have to be made before the corporate authorities.

If granted, the 90 day extension period would require the Village Board to take some form of action by February 11, 2009.

A MOTION was made to continue consideration of Ordinance (O)2008-06.40 - Petition No. 08-3.3, J. Jireh's Corporation and The Portofino Group, LLC, until February 11, 2009.

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

E. Authorization to Purchase 2009 Fleet Replacement Vehicles for the Village of Huntley Police Department

Village Manager Johnson reported that as part of the proposed FY2009 budget and in accordance with the Village's Vehicle Equipment Program, the Police Department is scheduled to replace seven (7) fleet vehicles in 2009. The Equipment Replacement Fund (ERF) was established over 10 years ago for the purpose of setting aside funds annually for the replacement of Village vehicles and equipment.

The Village will purchase these vehicles through the Illinois Department of Central Management Services (CMS) Procurement Program. Normally, this request would follow the Village budget approval schedule. However, the Police Department has been notified by CMS that the 2009 Ford Crown Vic squad will increase in price as of November 20, 2008. The price increase is estimated to be approximately \$2,000 a vehicle which would increase the Village's overall cost by \$12,000. The Police Department is requesting authorization to submit a vehicle purchase order through CMS prior to November 20, 2008. It usually takes three to four months for the vehicles to be delivered. Payment for the vehicles is made at the time of delivery which will be in the 2009 budget cycle. The new vehicles will have a "flex-fuel" option.

Mayor Sass asked if there were any questions. There were none and the Village Board authorized Staff to proceed with the purchase.

A MOTION was made to authorize the purchase of fleet replacement vehicles for the Police Department.

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

F. Approval of Ordinance (O)2008-11.68 - Landmark 08-7.1, Village of Huntley, Brick Portion of Woodstock Street, Landmark Designation pursuant to Historic Preservation Ordinance Article IV-Landmark and Historic District Designation

Village Manager Johnson presented a PowerPoint presentation to the Trustees including photos of the subject site. Historic Preservation Commission Chairperson Donna Britton was available to answer questions.

Location of Subject Property

The brick portion of Woodstock Street is generally the ±1,265 (0.24 mile) brick-paved segment of the roadway located south of the curb along North Street, south to Second Street.

Development Overview

The Historic Preservation Commission is requesting Village Board consideration and approval of their recommendation for local landmark designation of the brick portion of Woodstock Street.

Records show in August of 1915 the Village of Huntley Board of Trustees ordered the brick paving of Woodstock Street and a public notice appeared in a local newspaper outlining the assessment cost for the roadway improvement.

According to an early newspaper article dated February 1, 1917, the brick paving of Woodstock Street was completed in early 1917. Brick paving in Illinois was relatively common for the 50 years between 1877 and 1927; however, brick street paving remained a relatively rare method of paving in McHenry County through this period. Therefore, the preservation of the brick street is of even greater importance given its significance not only as a local landmark but a landmark with regional significance as well.

The curb and gutter along Woodstock Street was replaced in the fall of 1998. This curb-and-gutter project preceded the re-construction and replacement of the bricks funded through the federal transportation enhancement grant program secured following the landmark approval of the street by the McHenry County Historic Preservation Commission on February 3, 1999.

Historic Preservation Commission Recommendation

At the July 22, 2008 Historic Preservation Commission meeting the request was unanimously recommended, by a vote of 5 to 0, for approval subject to the following condition:

1. Adherence to the Village of Huntley and McHenry County Historic Preservation Ordinances as well as applicable Secretary of the Interior's "Standards for Rehabilitation"

With the conclusion of the PowerPoint presentation, Village Manager Johnson asked if there were any questions.

Mayor Sass asked that money be included in the Village budget to repair an indentation in the street that seems to be getting worse and an area around a manhole cover that is too high.

Trustee Leopold asked if there would be any signage included in the project. Historic Preservation Commission Chairperson Donna Britton stated that signage will be a part of the planned Historic District package, which will be considered by the Village Board soon. Several designs for signage have been explored.

A MOTION was made to approve Ordinance (O)2008-11.68 - Village of Huntley, Brick Portion of Woodstock Street, Landmark Designation pursuant to Historic Preservation Ordinance Article IV-Landmark and Historic District Designation

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

VILLAGE ATTORNEY'S REPORT:

None

VILLAGE MANAGER'S REPORT:

None

VILLAGE PRESIDENT'S REPORT:

Mayor Sass reported upcoming dates: the Village will be hosting the McCOG meeting on November 19th at Pinecrest and there will be a ribbon cutting ceremony for Michael J. Fleck on November 20th. The Mayor also announced various street closures for the Turkey Testicle Festival on November 26th. Mayor Sass noted that the Festival will not be using the Dean property for parking.

UNFINISHED BUSINESS:

Trustee Kadakia reported that he attended a McCOG Transportation Committee meeting. He spoke of an urgent action item of passing a comprehensive capital funding plan. Trustee Kadakia gave an update on potential McCOG policy statements for 2009, including:

1. Protect Municipal revenues.
2. Work with legislators to identify alternative revenue sources to fund infrastructure improvements.
3. Support notification of foreclosures to municipalities.
4. Support Municipal and Township exemption from providing defibrillators in parks.

NEW BUSINESS:

None

ADJOURNMENT INTO EXECUTIVE SESSION

There was a motion made at 7:30pm. to adjourn the meeting into Executive Session to discuss litigation and other business.

MOTION: Trustee Fender
SECOND: Trustee Kadakia

Motion carried unanimously

ADJOURNMENT OUT OF EXECUTIVE SESSION

There was a motion made to exit Executive Session at 8:03pm.

MOTION: Trustee Leopold

SECOND: Trustee Mercer

Motion carried unanimously

ACTION ON CLOSED SESSION ITEM:

None

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 8:05pm.

MOTION: Trustee Leopold

SECOND: Trustee Mercer

Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.