

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
April 8, 2010
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, April 8, 2010 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, 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 and Village Attorney Mike Coppedge.

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

PUBLIC COMMENTS: None.

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) March 11, 2010 Village Board Meeting Minutes

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

A MOTION was made to approve the March 11, 2010 Village Board Meeting Minutes.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

AYES: Trustees: Kadakia, Leopold, Mercer and Piwko

NAYS: None

ABSTAIN: Trustees: Fender and Kanakaris

The motion carried 4-0-2

- b) April 8, 2010 Bill List in the amount of \$132,934.76

Mayor Sass reported that included in the agenda packet was the April 8, 2010 Bill List. The Bill List has been reviewed by Staff. All is in order for Village Board approval at this time.

- Bill List - Detail Board Report \$132,934.76
- Vendor Summary Report

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

A MOTION was made to approve and authorize the payment of the April 8, 2010 Bill List in the amount of \$132,934.76.

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

- c) Ordinance (O)2010-04.12 – Approval of a Simplified Residential Zoning Variation For a Building Addition Encroaching into the Rear Yard Setback, James and Linda Carney, 13332 Bluebird Lane

Senior Assistant to the Village Manager Lisa Armour reviewed a Power Point Presentation and reported that the petitioners are requesting relief from Village of Huntley Zoning Ordinance No. 97-07-24-01, (Annexation Agreement for Del Webb’s Sun City) which stipulates Site Standards for *Villa Residential Development (multi-family)* which included a 20-foot rear yard setback requirement.

The petitioners are requesting approval of eight (8) feet in relief from the required 20-foot rear yard setback to allow a 12’ x 11’ four-season room addition at the rear of the residence. The petitioners cited compliance with the 20-foot rear yard setback requirement would not accommodate an addition large enough to meet their needs.

The Sun City Community Association Modifications Committee denied the petitioner’s project request on February 4, 2010 due to the setback issue and the Sun City Community Association’s Board of Directors approved the appealed request on February 17, 2010.

Zoning Board of Appeals Recommendation

The Zoning Board of Appeals conducted a Public Hearing on March 24, 2010 to hear the petition. The ZBA recommended approval of the petitioners’ request by a vote of 5 to 0 subject to the following condition:

1. No building permits or Certificates of Occupancy are approved as part of the Simplified Residential Zoning Variation.

Financial Impact Not applicable.

Legal Analysis Not required.

Ms. Armour reported that the petitioners were in attendance to answer questions.

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

Trustee Mercer asked if there were any comments from the neighbors regarding this request; Ms. Armour stated that there were no comments from the neighbors.

There were no other questions or comments.

A MOTION was made to approve Ordinance (O)2010-04.12 – An Ordinance approving the Simplified Residential Zoning Variation for eight (8) feet in relief from the required 20-foot rear yard setback for James and Linda Carney at 13332 Bluebird Lane.

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

- d) Ordinance (O)2010-04.13 – Granting a Special Use Permit for a Secondhand Store located at 10514 Route 47 / Pioneer Center for Human Services and waiving the development application fee

Senior Assistant to the Village Manager Lisa Armour reviewed a Power Point Presentation and reported that the Pioneer Center for Human Services, a not-for-profit agency, is requesting approval of a Special Use Permit to allow a Secondhand Store to operate at 10514 Route 47. The property, most recently occupied by Nick's Furniture, is zoned "B-3" which requires the approval of a Special Use Permit for a Secondhand Store. The store will occupy 9,288 square feet of the approximately 13,000 square foot building. The remaining 3,712 square feet of warehouse space is currently vacant.

The Pioneer Center for Human Services is a not-for-profit agency that provides services for persons with developmental disabilities, mental illness, traumatic brain injury and early intervention therapies for children. The Center also serves victims of sexual assault through VOICE, and homeless men, women and children through PADS. The Huntley store will be the Center's first location and will serve to supplement the agency's funding. The store will sell merchandise that has been donated to the Pioneer Center and will likely include clothing, furniture, art, jewelry, books, CDs and DVDs, housewares, and small appliances. Retail sales tax is collected on items sold. The Pioneer Center is not proposing any changes to the site or the exterior of the building.

Staff Analysis

The site currently has 34 parking spaces; however, three spaces will be lost because of the Route 47 widening project. In accordance with the Zoning Ordinance, the 13,000 square foot retail/warehouse building requires 40 parking spaces. The property owner requested confirmation from the Village Board in September 2008 that the loss of parking and reduction to the parking lot setback caused by the Route 47 widening will not result in the property becoming illegal non-conforming. The Village Board approved the owner's request and adopted Ordinance (O)2008-09.60 allowing the property to be considered legal non-conforming.

Plan Commission Action

The Plan Commission reviewed the petition and held a public hearing at their March 22, 2010 meeting. Having fully heard and considered the testimony, the Plan Commission unanimously

recommended approval of Special Use Permit by a vote of 5-0, subject to the following conditions:

1. There shall be no outdoor storage of donated materials.
2. No building plans or permits are approved as part of this request.
3. No sign permits are approved as part of this request.

Financial Impact

The petitioner is requesting a waiver of the \$500 application fee for a Special Use Permit due to the not-for-profit status of the Pioneer Center. The petitioner is required to pay the cost of the required legal notice.

Legal Analysis Not required.

Ms. Armour reported that Mr. John Novak from Pioneer Center was in attendance to answer questions.

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

Trustee Leopold asked if they serviced a certain area/location; Mr. Novak said no that they will help anyone. Trustee Leopold asked if anyone would be housed overnight at this location; Mr. Novak said no.

Trustee Piwko asked if they will be accepting dropped off merchandise at this location; Mr. Novak said yes.

There were no other comments or questions.

A MOTION was made to approve Ordinance (O) 2010-04.13 Granting a Special Use Permit for a Secondhand Store at 10514 Route 47 and waiving the development application fee.

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

- e) Approval of Change Order #1 to the 2010 Street Improvement Program to include Cambridge Drive from Reed Road to Dalton Drive in the amount of \$110,178.75

Mayor Sass reported that on January 14, 2010, the Village Board accepted and approved the Professional Design Engineering and Construction Observation Services contract with Christopher B. Burke Engineering, Ltd. (CBBEL) for the 2010 MFT Street Program. On March 18, 2010, the Village Board accepted and approved Resolution (R)2010-03.13 – Execution of the Construction Contract to the lowest responsible bidder, Plote Construction,

Inc., for the 2010 Street Improvement Program. Their low bid of \$721,266.95 was 35.8% below the engineer's estimate of \$1,123,385.00. This favorable bid allowed for the addition of Cambridge Drive from Reed Road to Dalton Drive to the 2010 Street Improvement Program within the approved budget. This was to be formalized through a change order with Plote Construction, Inc.

CBBEL has submitted Change Order #1 in the amount of \$110,178.75 for the addition of Cambridge Drive from Reed Road to Dalton Drive.

Staff Analysis

Plote Construction, Inc. has agreed to hold their contract unit prices for the additional work to be completed as part of the original project.

Financial Impact

As proposed, the contract price is \$831,445.70; the FY2010 Street Improvement Program estimated cost was \$952,445.70. The budgeted amount of \$1,000,000.00 (\$650,000 in Motor Fuel Tax Funds and \$350,000 in Capital Projects Funds).

Legal Analysis Not required.

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

A MOTION was made to approve Change Order #1 to the 2010 Street Improvement Program to include Cambridge Drive from Reed Road to Dalton Drive in the amount of \$110,178.75.

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

f) Resolution (R)2010-04.15 – Construction in State Highway Route 47 Rights-of-Way by the Illinois Department of Transportation

Village Manager David Johnson reported that the Village is in receipt of a request from Illinois Department of Transportation (IDOT) regarding performing construction work within the right-of-way along Route 47. Chapter 121 of the Illinois revised statutes requires that any person, firm or corporation desiring to do work on state maintained rights of way must first obtain a written permit IDOT. This includes any emergency work on broken watermain or sewers.

A surety bond is required with each permit application to ensure that all work is completed in accordance with state specifications and that the right-of-way is properly restored. For permit work to be performed by employees of a municipality a resolution is acceptable in lieu of the surety bond. The resolution does not relieve contractors hired by the municipality from conforming to the normal bonding requirements nor from obtaining permits.

Staff Analysis

The Village of Huntley has approved a Resolution for right-of-way construction for previous years. It is proposed that the resolution be enacted for a period of two years.

Financial Impact Not applicable.

Legal Analysis Not required.

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

Trustee Leopold asked how emergency work was handled. Village Manager Johnson reported that the State does not typically require a permit application be approved before the work can be completed in an emergency situation; the paperwork would be handled after completion during regular business hours.

There were no other comments or questions.

A MOTION was made to approve Resolution (R)2010-04.15 – Construction in State Highway Route 47 Rights-of-Way by the Illinois Department of Transportation.

MOTION: Trustee Piwko

SECOND: Trustee Leopold

AYES: Trustees: Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko

NAYS: None

ABSTAIN: None

The motion carried 6-0-0

- g) Ordinance (O)2010-04.14 – Acceptance of Public Improvements for the Huntley Crossings Phase 1 Subdivision

Village Manager David Johnson reported that the Village Board routinely accepts subdivision public improvements for ownership and maintenance once the public improvements have been constructed and inspected. The Village has received a request from Klein Development, Inc. for the acceptance of the public improvements for the Huntley Crossings Phase 1 Subdivision.

Staff Analysis

The on-site public improvements correction list has been completed. The Route 47 improvements are essentially complete, with the exception of the traffic signal at the Route 47/Huntley Crossings Drive intersection. A bond is held by IDOT for the completion of the Route 47 Improvements. It is recommended that the Village accept the public improvements for the Huntley Crossings Phase 1 Subdivision with bond modifications as follow:

Description	Current Bond Amount	Disposition	Maintenance Bond Required (3-year)
Route 47 Improvements	\$431,310.54	Release*	\$40,556.50**
On-site Public Improvements	\$467,232.50	Reduce to \$4,644.00	\$232,687.46***

*IDOT maintains a separate \$500,000 bond for completion of the Route 47 improvements.

**The maintenance amount is based upon 10% of the value of the Route 47 storm sewer for which the Village will assume maintenance (per IDOT permit requirement).

***Original bond was \$2,326,874.60, this amount represents 10% of that amount.

Financial Impact

All outstanding financial obligations shall be satisfied prior to the bond reductions.

Legal Analysis Not Required.

Village Manager Johnson reported that Mr. Tom Klein was in attendance to answer questions.

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

Trustee Piwko asked when the final lift will be installed on the frontage road. Village Manager Johnson reported that the final lift will probably be installed once more development has occurred.

There were no other comments or questions.

A MOTION was made to approve Ordinance (O)2010-04.14 – Acceptance of Public Improvements for the Huntley Crossings Phase 1 Subdivision

MOTION: Trustee Leopold

SECOND: Trustee Fender

AYES: Trustees: Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko

NAYS: None

ABSTAIN: None

The motion carried 6-0-0

- h) Resolution (R)2010-04.16 – Authorization for the Village of Huntley to Participate in the McHenry County Natural Hazard Plan

Village Manager David Johnson reported that the Village of Huntley is subject to natural hazards, such as, floods, tornadoes, severe winter and summer storms that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard. McHenry County is undertaking a natural hazards mitigation plan for the County, and the County has invited the Village to participate in and benefit from this planning effort. Several Federal programs require

that municipalities have an adopted hazard mitigation plan to qualify for their benefits. This effort is also in accordance with National Incident Management System, which the Village adopted on October 14, 2004 (Resolution (R)2004-10.35).

Staff Analysis

McHenry County will be preparing a natural hazards mitigation plan for the County and all interested municipalities and other local government agencies in the county. This plan will identify activities that can be undertaken at all levels of government and by the private sector that can reduce the safety and health hazards and property damage caused by natural hazards. This plan will meet the hazard mitigation planning requirements of the Disaster Mitigation Act of 2000 (DMA 2000 (42 USC 5165)) and other programs administered by the Federal Emergency Management Agency (FEMA).

In order for the Village to be eligible for pre- or post-disaster funds from FEMA, a DMA 2000 plan must have been developed and adopted. FEMA allows counties to prepare multi-jurisdictional or countywide plans, provided the communities participate fully in the planning process.

Financial Impact

The consulting firm, Mary O'Toole & Associates, Ltd., has been contracted by McHenry County to assist in the development of the plan. The cost associated with such consultation is being incurred by the County. Staff time will be required for the participation and completion of the plan.

Legal Analysis None required.

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

A MOTION was made to approve Resolution (R)2010-04.16 – Authorization for the Village of Huntley to participate and finalize a completed McHenry County Natural Hazard Mitigation Plan to satisfy the requirements of the Disaster Mitigation Act of 2000.

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

- i) Resolution (R)2010-04.17 – A Resolution Opposing Reduction of Local Government Distributive Fund

Village Manager David Johnson reported that Governor Quinn, in his March 10, 2010 budget address, proposed to withhold 30% of shared revenue currently distributed to local government, keeping \$300 million of this revenue to address the State's \$13 billion budget deficit. The Illinois Municipal League has prepared a draft resolution opposing this reduction in funding for local government.

Staff Analysis

The 2010 Legislative Agenda approved by the Board on March 25, 2010, included as the very first item the following: “Maintain current 1/10th Municipal Share of Local Government Distributive Fund (LGDF).” As reported in the March 18th Manager’s Report, a letter has already been sent to the Governor expressing the Village’s concerns with the proposal. A resolution adopted by the Board will confirm the official position of the Village on this matter.

Financial Impact

The reduction in revenue, if the Governor’s budget proposal is approved as presented, amounts to \$23.10 per person, which translates to a loss of up to \$536,000 (7% of the General Fund Operating Revenue) for the Village.

Legal Analysis None required.

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

A MOTION was made to approve Resolution (R)2010-04.17 – A Resolution Opposing Reduction of Local Government Distributive Fund.

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

VILLAGE ATTORNEY’S REPORT: None

VILLAGE MANAGER’S REPORT:

Village Manager Johnson reported that the Monthly Department Reports as well as the draft Strategic Plan Resident Survey was distributed at this meeting to the Village Board. The Village Board was asked to review the draft survey and return comments to Staff prior to the April 22nd workshop.

Trustee Leopold asked if the petitions regarding the Post Office relocation were sent out; Village Manager Johnson reported that they were distributed but that Staff has not yet had any response.

Trustee Leopold asked for clarification of access to Huntley Towers from Huntley Court with the reconfiguration during the Route 47 Widening Project. Village Manager Johnson reviewed the access pointing out that it will not be a straight path but it will be accessible from one development to the other. Trustee Leopold asked when Nicor would be completed installing their line. Village Manager Johnson stated it would be 2-3 weeks.

VILLAGE PRESIDENT’S REPORT:

Mayor Sass reported on the Illinois State Toll Highway Authority (ISTHA) meeting he and Village Manager Johnson attended on April 6th.

Mayor Sass also reported on the March 31st McCOG meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

A MOTION was made to enter into Executive Session at 7:24 p.m. for the purpose of d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley.

**MOTION: Trustee Piwko
SECOND: Trustee Kanakaris
The Voice Vote noted all ayes and the motion carried.**

A MOTION was made to exit Executive Session at 7:34 p.m.

**MOTION: Trustee Kanakaris
SECOND: Trustee Mercer
The Voice Vote noted all ayes and the motion carried.**

ACTION ON CLOSED SESSION ITEM: None

ADJOURNMENT:

There being no further information to discuss, a MOTION was made to adjourn the meeting at 7:35 p.m.

**MOTION: Trustee Kadakia
SECOND: Trustee Fender
The Voice Vote noted all ayes and the motion carried.**

Respectfully submitted,

Barbara Read
Recording Secretary