

VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
April 28, 2016
MINUTES

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, April 28, 2016 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles Sass; Trustees: Ronda Goldman, Tim Hoeft, Niko Kanakaris, Harry Leopold, John Piwko and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Management Assistant Barbara Read, Director of Development Services Charles Nordman and Village Attorney John Cowlin.

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

PUBLIC COMMENTS: None

CONSENT AGENDA:

(All items listed under Consent Agenda have been discussed at the Committee of the Whole and may be approved/accepted by one motion. The Village Clerk will number all Ordinances and Resolutions in order, following approval)

- a) Approval of the April 7, 2016 Committee of the Whole Meeting Minutes
- b) Approval of the April 28, 2016 Bill List in the Amount of \$427,600.02
- c) Referral of a Proposed Special Use Permit for Outdoor Storage of Vehicles for Henderson IDC – Illinois, 11921 Smith Drive, to the Plan Commission to begin the formal development review and approval process
- d) Referral of Proposed Drainage Improvements to Property Located at the Northwest Corner of Route 47 and Jim Dhamer Drive and Referral to the Plan Commission to begin the Formal Development Review Process
- e) Approval of the Village of Huntley 2016 Street Improvement Program:
 - i. Approval of a Resolution to Appropriate \$860,000 in Motor Fuel Tax Funds for Maintenance of Streets and Highways for the 2016 Street Improvement Program
 - ii. Approval of a Resolution Executing the Construction Contract to Arrow Road Construction Company in the amount of \$757,990.20 for the 2016 Street Improvement Program

- f) Approval of a Resolution Approving FY2016 Budget Amendment to Transfer to the Downtown TIF Fund the amount of \$184,917

Mayor Sass asked if the Village Board had any comments or changes to the Consent Agenda; there were none.

A MOTION was made to approve the Consent Agenda.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

ITEMS REMOVED FROM THE CONSENT AGENDA: None

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Proposed McHenry County Conditional Use for Tee 2 Green Indoor Golf, LLC to allow an Outdoor Athletic Facility

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that as directed by the Village Board, Staff attended and testified at the April 14, 2016, McHenry County Zoning Board of Appeals public hearing for the requested Conditional Use by Tee 2 Green Indoor Golf. The Zoning Board expressed concerns regarding the lack of detail presented as part of the application and tabled it until May 12, 2016, so the petitioner could provide more information and work with the Village to address concerns.

In response, the petitioner has provided a binder of photos and specifications for the following elements of the outdoor athletic facility:

- Netting for Volleyball Courts
- Lighting for Volleyball Courts
- Concession Stand
- Split Rail Fence
- Photos of Bocce Ball Courts and Horseshoe Pits

Should the Village Board find the revised submittal acceptable, Staff proposes the following recommended conditions of approval be forwarded to the McHenry County Zoning Board of Appeals for consideration:

1. The outdoor athletic facility shall not be used for live musical performances.
2. If it is determined that portable toilets are necessary, they shall be screened from view of adjacent rights-of-way.
3. A split rail fence, or similar style, shall entirely surround the outdoor athletic facility.
4. Alcohol purchased at the outside athletic facility shall not be permitted outside of the fenced in area.
5. The hours of operation for the outdoor athletic facility shall not extend beyond 11:00 PM.

Additionally, Staff is scheduled to meet with the property owner on Friday, April 22 to discuss the potential annexation of the property.

The following information was previously provided to the Village Board for the April 7, 2016 Committee of the Whole meeting:

Introduction

Village staff is in receipt of a legal notice from the McHenry County Department of Planning and Development regarding an upcoming public hearing before the McHenry County Zoning Board of Appeals for a petition by Tee 2 Green Indoor Golf, LLC for a Conditional Use to establish an Outdoor Athletic Facility. Tee 2 Green, 11193 Dundee Road, is requesting to create two volleyball courts, one bocce ball court, two horseshoe pits, an open entertainment area with movable seating and games, and an area for beverage and food service on a 1-acre unincorporated parcel located east of the business's parking lot. The site plan provided with the petition includes additional footnotes stating "courts to be netted at perimeter" and "lighting to be solar or battery powered," but no further details are provided at this time.

The McHenry County Zoning Board of Appeals will hold a public hearing for the petition on Thursday, April 14, 2016.

Staff Analysis

Tee 2 Green is located within the Huntley Tech Center at 11193 Dundee Road which is within the Village of Huntley corporate limits; however, the land to the east and south of the building is unincorporated McHenry County. The proposed outdoor athletic facility would be located on the 1-acre unincorporated parcel directly east of the parking lot. The area is currently a grass field.

Village staff has reviewed the site plan and has the following comments and concerns:

1. The parcel is unincorporated; therefore, the Village will have no authority to regulate the use of the outdoor area.
2. Tee 2 Green currently holds a Village of Huntley liquor license for the indoor golf facility and adjacent outdoor deck; however, the license does not allow the sale or consumption of alcohol on the unincorporated parcels, as they are outside the corporate limits of the Village. Tee 2 Green will need to obtain a liquor license from McHenry County for this area. Staff contacted the Liquor Commissioner's Office at the County and was informed that the owner does not agree that another liquor license through the County would be required and stated he intended to review this with the State's Attorney. Staff is concerned with how Tee 2 Green will serve alcohol on the unincorporated parcel without utilizing the Village of Huntley license since there does not appear to be any facilities from which to store and serve the alcohol on the unincorporated parcel.
3. The proposed plan relies on the restrooms within the Tee 2 Green tenant space. The Illinois Plumbing Code provides requirements for the number of water closets (toilets) and urinals necessary for a business based on an occupancy load (calculations are provided in the plumbing code to determine occupancy loads). The Tee 2 Green tenant space currently has 3 water closets for women and 1 water closet and 2 urinals for men, which complies with occupancy load for the tenant space only. The creation of the outdoor athletic facility would increase the occupancy

load and therefore would require additional water closets and urinals in accordance with the requirements of the Illinois Plumbing Code.

4. No information is provided for the proposed lighting. A photometric plan and fixture specifications are needed to determine any impact to surrounding properties.
5. No information is provided for the proposed netting or if the overall site will be enclosed with fencing.
6. No details are provided for the proposed beverage/food service area, such as whether there is a structure or how beverage and food service would be provided without water, sanitary sewer, or electric to a structure.

Staff is requesting that Village Board provide feedback concerning the petition being considered by the McHenry County Zoning Board of Appeals. Specifically, staff is requesting the following questions be considered:

1. Does the Village Board wish to formally oppose, or support, the petition under consideration by the McHenry County Zoning Board of Appeals?
2. Should the Village approach the property owner, Huntley Tech Center Inc., about annexing the unincorporated parcels?
3. If necessary, should the Village investigate forcibly annexing the unincorporated parcels?

Legal Analysis

The Village Attorney has reviewed the status the Village liquor license as it relates to serving alcohol outside of the Village corporate limits.

Director Nordman reported that Marc Tintner was in attendance to answer questions.

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

Trustee Piwko stated that the property should be forced to annex into the Village as the Village has no control or jurisdiction of the area that Tee2Green wants to utilize for the volleyball courts. Trustee Piwko stated that a six-foot cyclone fence should be installed around the area to keep people safe and heavy landscaping on the street side of the volleyball enclosure. Trustee Piwko stated that he does not support the project.

Trustee Leopold stated that he would not support split jurisdiction between the Village of Huntley and McHenry County of the site; especially police protection. Trustee Leopold stated that there is a lack of details of the project. Trustee Leopold asked who would determine the need to add port-o-lets. Trustee Leopold stated that he also has concerns regarding alcohol sales. Trustee Leopold stated that he does not support the project.

Trustee Westberg stated that until the Huntley Police Department has jurisdiction over the site that he would not support the project.

Trustee Kanakaris asked for clarification that if there is an issue at the outdoor uses the Sheriff's

Department would be called to respond; Director Nordman concurred. Trustee Kanakaris asked if something could be done that would allow the Huntley Police to handle calls to the site; Mayor Sass suggested the possibility of an Intergovernmental Agreement. Trustee Kanakaris asked if there were problems with McHenry County's Liquor License other than it ending one-hour after Huntley's licenses. Village Manager Johnson reported that the petitioner stated that they will stop outside activities at 11:00 p.m. Trustee Kanakaris stated that he wants the property cleaned up. Trustee Kanakaris asked for confirmation that the property owner does not want to annex into the Village. Village Manager Johnson stated that the property owner made it clear that he did not want to annex into the Village. Trustee Kanakaris stated that he wouldn't mind giving the petitioner the opportunity to have the outside facility if the property owner would make the property look better with screening and landscaping.

Mr. Tintner stated that he has made many improvements to both the inside and outside of his business including sealing and striping the parking lot. Mr. Tintner stated that property owner does not want to annex as he is concerned about additional costs. Mr. Tintner stated that the McHenry County Liquor License will be a temporary license only active for five (5) months. Mr. Tintner also reported that the County does not require port-o-lets but that if there is a need he would make sure that they were screened. Mr. Tintner stated that his business is known as an entertainment center and he would like to continue that with the outdoor facility.

Trustee Hoeft stated that his biggest concern is policing and he would favor the project if the Huntley Police Department had jurisdiction.

Mayor Sass stated that the property owner suggested that the volleyball court could be located at the south end of the property which is in the Village limits and Mayor Sass stated that he liked the idea. Mr. Tintner stated that he would proceed in that location if there is enough room.

Mayor Sass asked if the Village Board would approve the new location of the volleyball court. Trustee Leopold stated that he would support the project in that location.

Village Manager Johnson reported that the petitioner would need to come back before the Village Board for site approval.

Mr. Tintner stated that they have a good relationship with the community and there has been interest in the outside amenities from the public.

Trustee Piwko asked if the newly proposed location would mean that the Liquor License would be in Huntley; Village Manager Johnson reported that at the newly proposed location, it would fall under Huntley's jurisdiction.

Mayor Sass asked what is needed for Staff; Village Manager Johnson stated that Staff will continue to work with the petitioner. Village Manager Johnson asked Mr. Tintner if he would now withdraw his petition with the County; Mr. Tintner stated that he would withdraw his petition with the County.

Village Manager Johnson asked the Village Board if they approved of the temporary lighting and fencing in back. It was the consensus of the Village Board that they approved the temporary lighting and the fencing.

Mr. Tintner stated that with the newly proposed location that he would be able to use his rear entrance to get to the volleyball court.

Trustee Goldman asked when the petitioner would like to begin construction; Mr. Tintner stated that he would like to begin as soon as possible.

Trustee Piwko asked if at the new location will Mr. Tintner still construct the concession stand; Mr. Tintner stated that there would be no need for it as patrons would have access to the building.

Trustee Kanakaris stated that he would approve of the original plans if the property owner would cooperate.

Mayor Sass recommended that in the future Mr. Tintner come to the Village first when planning and not let the Village hear from the County as if he was trying to go around the Village. Mr. Tintner stated that was not his intent. Mayor Sass reminded Mr. Tintner that this is the second time it has happened with the first being the sign; Mayor Sass stated that he does not want this happening a third time.

b) Approval to Hold Weekly Cruise Nights in Downtown Huntley

Management Assistant Barbara Read reported that the Village has been contacted by DJ Rudy “K” to hold weekly Cruise Nights in downtown Huntley.

Staff Analysis

The Cruise Nights would take place on Tuesdays from 5:00 p.m. to 8:00 p.m. and would require the closure of Coral Street from Church Street to Woodstock Street, Church Street from Main Street to the entrance of the First Congregational Church parking lot and the Old Village Hall parking lot. Village Staff would post no parking signs and close off the area at about 3:00 p.m.; the event sponsor would be required to open up the area at the end of the event.

The original request is to hold the event every Tuesday from June 7th through September 13th (excluding June 28th and July 26th for Concerts in the Park). Staff contacted the Legion as well as the two (2) churches on the Square as the weekly event would directly impact their groups. Neither church had concerns as they did not have major activities planned for Tuesday nights during the summer. The Legion Commander was supportive of the event overall except he had concerns about their June 14th Flag Day Ceremony as the ceremony which begins at 7:00 p.m. takes about 15-20 minutes and they would need quiet during that time.

Therefore the event could be held on the following dates:

June 7th and 21st
July 5th, 12th, 19th
August 2nd, 9th, 16th, 23rd, 30th
September 6th and 13th

In addition to playing music during the event, DJ Rudy “K” will promote / advertise the event and coordinate the setup of vehicles each week. At the end of the weekly event, DJ Rudy “K” will ensure that the area is left free from trash. A Certificate of Liability Insurance with required Village limits and listing the Village of Huntley as additionally insured will also be provided.

Financial Impact

The Village Board approved \$30,000 for Special Events as part of the 2016 Budget; this event will be included in the Special Events Fund 01-10-2-6351. The Cruise Night promoter charges \$1,500 for the

season (\$125/night).

Strategic Plan Priority

The Strategic Plan identifies *Promote New Business Development, Retention and Expansion as a Strategic Priority* and “Expand community events held downtown to attract residents and visitors, making the downtown a destination location” as an objective.

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

Trustee Piwko stated that Culver’s was having a cruise night on August 23rd coordinated by DJ Rudy K and suggested that staff check the dates.

Trustee Westberg stated that this is a great way to get Huntley residents and residents from other communities to come to the downtown and he had seen them in Dundee and Barrington and always a great turn out and being successful for Huntley.

Trustee Goldman asked if the businesses will be open until the cruise night ends at 8:00 p.m. Management Assistant Read stated that some of the businesses will be open later. Trustee Goldman suggested that staff ask the businesses to stay open later on Tuesday nights as it would be beneficial for the business. Ms. Read stated that staff has met with some of the businesses to let them know of the upcoming events taking place this summer in the downtown and they were excited; Ms. Read stated that she did not know if they would plan to stay open late but stated that they are all open at the beginning of the event.

Trustee Leopold asked if they would be setting up concessions; Ms. Read stated that staff is hoping that everyone will be visiting the restaurants on the Square.

Trustee Kanakaris asked if patrons will be allowed to take alcoholic drinks from the bars and restaurants onto the street; Ms. Read said no.

A MOTION was made to hold weekly cruise nights in Downtown Huntley.

MOTION: Trustee Westberg

SECOND: Trustee Hoeft

AYES: Trustees: Goldman, Hoeft, Kanakaris, Leopold, Piwko and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

VILLAGE ATTORNEY’S REPORT: None

VILLAGE MANAGER’S REPORT: None

VILLAGE PRESIDENT’S REPORT: None

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 7:34 p.m.

MOTION: Trustee Piwko

SECOND: Trustee Kanakaris

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary