

PUBLIC MEETING NOTICE AND AGENDA
VILLAGE OF HUNTLEY
VILLAGE BOARD
MEETING



**THURSDAY, JUNE 13, 2013
7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Public Comments
4. 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 May 16, 2013 Committee of the Whole, May 23, 2013 Liquor Commission and May 23, 2013 Village Board Meeting Minutes
 - b) Approval of the June 13, 2013 Bill List in the amount of \$488,911.17
 - c) Approval of an Ordinance Granting Approval of a Temporary Use for Contractor's Office/Equipment for Plote Construction, Inc.
 - d) Approval of a Resolution Approving a Budget Amendment to the Water Equipment Replacement Fund for the Repainting of Water Tower No. 5 (Wing Pointe Subdivision) and Authorizing Solicitation of Bids
 - e) Approval of an Ordinance Ascertain the Prevailing Rate of Wages for Laborers, Mechanics, and other Workman Engaged in the Construction of Public Works Under the Jurisdiction of the Village of Huntley
5. Consideration of Items Removed from the Consent Agenda
 - a) Approval of the May 9, 2013 Village Board Meeting Minutes
 - b) Approval of an Ordinance Approving a Second Amendment to the Fryer Company Annexation Agreement (Huntley Tech Center), Ordinance No. 97-02-27-03
6. Village Attorney's Report
7. Village Manager's Report
8. Village President's Report
9. Unfinished Business
10. New Business

11. Executive Session

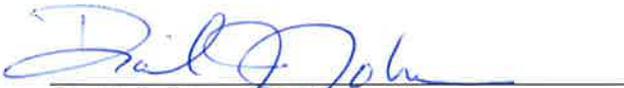
- a) Probable or Imminent Litigation and Pending Litigation
- b) Contractual
- c) Property Acquisition, Purchase, Sale or Lease of Real Estate
- d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley
- e) Collective Bargaining
- f) Appointment, Discipline or Removal Public Officers
- g) Appointment of a Public Officer
- h) Review of Closed Session Minutes
- i) Other

12. Possible Action on any Closed Session Item

13. Adjournment

MEETING LOCATION
Village of Huntley Municipal Complex
10987 Main Street
Huntley, IL 60142

The Village of Huntley is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, are requested to contact Mr. David Johnson, Village Manager at 847-515-5200. The Village Board Room is handicap accessible.



David J. Johnson, Village Manager

Agenda Item: **Consideration of an Ordinance Approving a Second Amendment to the Fryer Company Annexation Agreement (Huntley Tech Center), Ordinance No. 97-02-27-03**

Department: **Village Manager's Office**

Introduction

The Huntley Tech Center, a multi-tenant building located at 11189 Dundee Road, was annexed to the Village in 1997 and re-zoned to the "M" Manufacturing District with specific uses set forth in the annexation agreement. The first amendment to the annexation agreement was approved in April, 2006, and further clarified the various uses allowed. Tee 2 Green Indoor Golf received approval of a special use permit in 2011 and was issued a Class A liquor license in late 2012. Tee 2 Green is now requesting to add an outdoor seating area (deck) of approximately 1,200 square feet adjacent to the entrance to their unit on the east side of the building.

Staff Analysis

The "M" Manufacturing District does not accommodate the outside seating area (deck). Re-zoning of the entire property is not a feasible alternative. However, because the annexation agreement has not yet expired, the opportunity exists to specifically address the Tee 2 Green request by amending the agreement as follows:

"The Village shall cause to be issued a Class A liquor license solely for the benefit of Tee 2 Green Indoor Golf, LLC ("Tee 2 Green"), located at 11173 Dundee Road, located within the Huntley Tech Center. Tee 2 Green shall be allowed an outdoor seating area adjacent to the unit to allow for the consumption of food and alcohol purchased from Tee 2 Green during established hours of operation for Tee 2 Green. Said outdoor seating area shall be constructed in accordance with all prevailing building code provisions of the Village and shall thereafter be operated in accordance with all prevailing codes and ordinances of the Village including, but not limited to, those that pertain to noise. At such time as Tee 2 Green ceases operation, the liquor license shall be surrendered to the Village. The owner of the property shall remove the outdoor seating permitted hereunder within thirty days of the expiration of the liquor license or within thirty day of termination of the Tee 2 Green operation, whichever is the first to occur. The maximum number of liquor licenses available to the Huntley Tech Center shall be one and shall not be transferrable from Tee 2 Green to any successor or assign or to any other unit."

Financial Impact

Not applicable.

Legal Analysis

A two-thirds vote of the Village Board is required for approval (5 affirmative votes out of 7).

Village Board Comments, Committee of the Whole Meetings and Village Board Meeting

The owner of Tee 2 Green, Marc Tintner, appeared before the Village Board at the May 16th Committee of the Whole meeting. Mr. Tintner was asked to provide additional information regarding the appearance of the deck, materials to be used, and adjacent landscaping to improve

the appearance of the property and to provide screening. The Village Board conducted the required public hearing on May 23, 2013, at which time there were no comments from the public. Action on the ordinance was tabled, as members of the Board did not think that sufficient information had been provided by Mr. Tintner in response to their request at the Committee of the Whole meeting.

Mr. Tintner provided additional information to the Board at the June 6th Committee of the Whole Meeting, including a revised layout for the deck (see attached). The Board requested the following revisions:

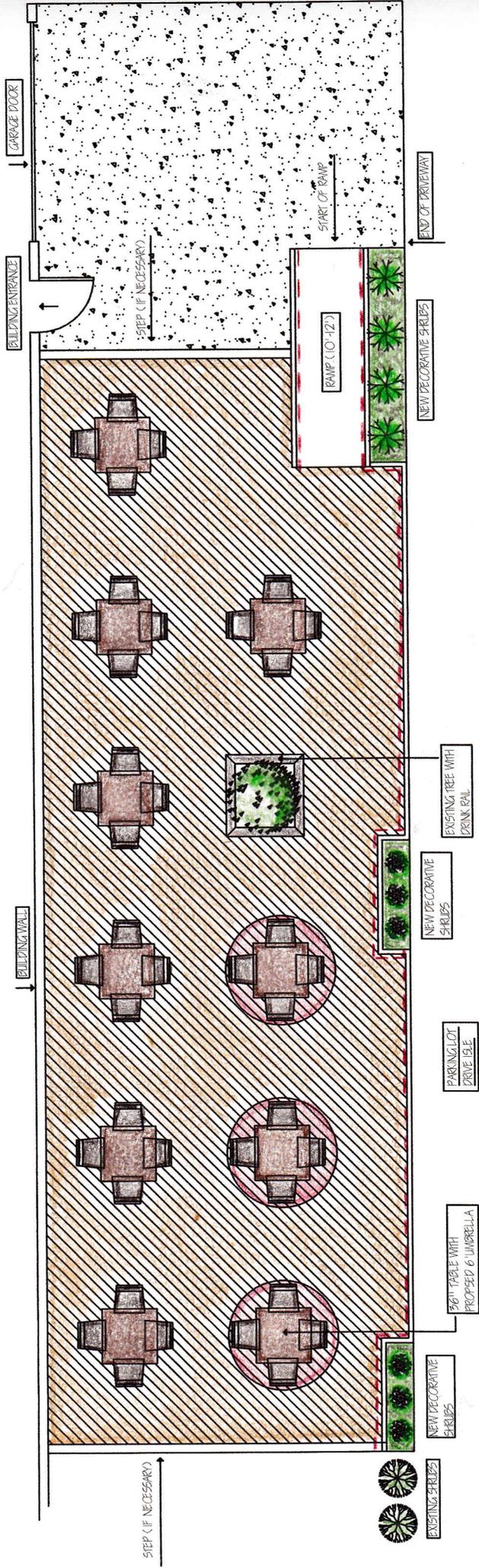
1. The ramp is to be shifted to the south into the perimeter of the deck.
2. A rail/fence is to be added to the south (back) side of the deck.
3. The step up to the deck near the main entrance of the facility is to be constructed into the deck.

Action Requested

A motion is requested of the Village Board to Approve an Ordinance Approving a Second Amendment to the Fryer Company Annexation Agreement (Huntley Tech Center), Ordinance No. 97-02-27-03

Exhibits

- Revised Deck Layout (color version)
- Draft Ordinance with Draft Amendment to Annexation Agreement



NOTES:
 FENCE = POWDER COATED
 56" HIGH (BLACK)

⊙ TEE 2 GREEN INDOOR GOLF (PROPOSED OUTDOOR SEATING AREA)
 SCALE: 1/8" = 1'0"

**AN ORDINANCE APPROVING
A SECOND AMENDMENT TO THE FRYER COMPANY ANNEXATION AGREEMENT
(HUNTLEY TECH CENTER), ORDINANCE NO. 97-02-27-03**

ORDINANCE (O)2013-06.33

WHEREAS, the Village of Huntley approved Ordinance No. 97-02-27-03 approving an Annexation Agreement with the Fryer Company for the Huntley Tech Center on February 27, 1997, as recorded with the McHenry County Recorder of Deeds as Document No. 97R021271; and

WHEREAS, the first amendment to the Annexation Agreement was approved on April 13, 2006, to clarify the various uses allowed at the Huntley Tech Center; and

WHEREAS, Tee 2 Green Indoor Golf, LLC (“Tee 2 Green”), a tenant in the unit located at 11173 Dundee Road, has requested to add an outdoor seating area to allow for the consumption of food and alcohol purchased from Tee 2 Green during established hours of operation for Tee 2 Green; and

WHEREAS, the Fryer Company, as the owner of the property has requested a second amendment to the Annexation Agreement to accommodate the request from Tee 2 Green; and

WHEREAS, the Village of Huntley and the Fryer Company by mutual consent agree to the proposed second amendment to the Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HUNTLEY as follows:

SECTION I: The Village of Huntley adopts and approves the execution of the Amendment to the Annexation Agreement as attached hereto.

SECTION II: All other provisions of Ordinance No. 97-02-27-03 not otherwise in conflict herewith shall remain in full force and effect.

SECTION III: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SECTION IV: All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

	Aye	Nay	Absent	Abstain
Trustee Goldman	_____	_____	_____	_____
Trustee Hanson	_____	_____	_____	_____
Trustee Kanakaris	_____	_____	_____	_____
Trustee Leopold	_____	_____	_____	_____
Trustee Piwko	_____	_____	_____	_____
Trustee Westberg	_____	_____	_____	_____

PASSED and APPROVED this 13th day of June, 2013.

APPROVED:

ATTEST:

Village President

Village Clerk

SECOND AMENDMENT TO ANNEXATION AGREEMENT

Re: Fryer Company Annexation Agreement

THIS SECOND AMENDMENT TO ANNEXATION AGREEMENT (“Amendment”) is entered into as of this 13th day of June, 2013, by and between the **Village of Huntley**, an Illinois Municipal Corporation (hereinafter “Village”) and **Fryer Company**, an Illinois corporation, its successors and assign (hereinafter “Owner”).

Recitals

- A. Whereas on February 27, 1997, pursuant to Ordinance No. 97-02-27-03, certain property of Owner was annexed into the Village; and
- B. Whereas, as part of the annexation process, the property was re-zoned to “M” Manufacturing District with specific uses set forth in an Annexation Agreement dated February 27, 1997 and thereafter recorded with the McHenry County Recorder of Deeds on May 8, 1997 as document no. 97R021271; and
- C. Whereas, pursuant to paragraph 2 of the above referenced Annexation Agreement, the allowed uses were identified as including, but not limited to: medical offices, recreation facilities, manufacturing and general offices, as further defined in the Huntley Zoning Ordinance; and
- D. Whereas, the First Amendment to Annexation Agreement was approved by Ordinance No. (O)2006-04.42 on April 13, 2006 to clarify the specific uses allowed on the property under the Annexation Agreement; and
- E. Whereas, the Village and Owner desire to amend the Annexation Agreement with a Second Amendment as set forth herein.

NOW THEREFORE, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the parties, their successors and assigns, hereby agree as follows:

1. Section 2 “M” District Uses, Huntley Fire Protection District and Applicable Codes is hereby amended to allow the following:

The Village shall cause to be issued a Class A liquor license solely for the benefit of Tee 2 Green Indoor Golf, LLC (“Tee 2 Green”), located at 11173 Dundee Road, located within the Huntley Tech Center. Tee 2 Green shall be allowed an outdoor seating area (deck) adjacent to the unit to allow for the consumption of food and alcohol purchased from Tee 2 Green during established hours of operation for Tee 2 Green. Said outdoor seating area (deck) shall be constructed in accordance with all prevailing building code provisions of the Village and shall thereafter be operated in accordance with all prevailing codes and ordinances of the Village including, but not limited to, those that pertain to noise. Alcohol shall only be allowed outside the facility in the duly permitted seating area (deck) and shall not be served or taken to any other outside area of the Huntley Tech Center. At such time as Tee 2 Green ceases operation, the liquor license shall be surrendered to the Village. The Owner of the property shall remove the outdoor seating permitted hereunder within thirty days of the expiration of the liquor license or within thirty day of termination of the Tee 2 Green operation, whichever is the first to occur. The maximum number of liquor licenses available to the Huntley Tech Center shall be one and shall not be transferrable from Tee 2 Green to any successor or assign or to any other unit.

2. All other terms and provisions of the February 27, 1997 Annexation Agreement shall continue in full force and effect. To that end, the terms and provisions of said Annexation Agreement are incorporated herein by reference. To the extent however that there is any inconsistency between this Second Amendment to Annexation Agreement and the Annexation Agreement, the terms and provisions of this Second Amendment shall control and prevail.

3. This Second Amendment to Annexation Agreement shall be recorded in the Office of the Recorder of Deeds, McHenry County, Illinois but the failure to do so or the failure to do so contemporaneously with the approval of this Second Amendment to Annexation Agreement shall not nullify or otherwise invalidate the terms and provisions hereof, it being the express intent of the parties to be bound by this Second Amendment to Annexation Agreement.

VILLAGE OF HUNTLEY, ILLINOIS
a Municipal Corporation

BY: _____

ATTEST:

Village Clerk

FRYER COMPANY, an Illinois corporation
OWNER

BY: _____

ATTEST:

