



**Village of Algonquin  
Committee of the Whole  
Meeting Minutes  
Held in the Village Board Room  
January 24, 2017**

**AGENDA ITEM 1:** Roll Call to Establish a Quorum

Present: Trustees Brian Dianis, Jerry Glogowski, Debby Sosine, Jim Steigert, John Spella, and President Schmitt. A quorum was established.

Absent: Trustee Smith

Staff Present: Tim Schloneger, Village Manager; Robert Mitchard, Public Works Director; Russ Farnum, Community Development Director; John Bucci, Police Chief; Michael Kumbera, Assistant Village Manager; Katie Parkhurst, Senior Planner; Ben Mason, Senior Planner; Deputy Village Clerk, Michelle Weber; Attorney, Kelly Cahill was also in attendance.

Chairman Dianis called the Committee of the Whole meeting to order at 7:30 p.m.

Trustee Smith was seated at 7:50 p.m.

**AGENDA ITEM 2:** Audience Participation

Ms. Janis Jasper, 2120 Tracy Lane, Algonquin, has questions pertaining to the Medical Marijuana Dispensary and the Water Sewer Budget. Mr. Dianis indicated the questions will be heard/answered during the meeting as they discuss the topics in question.

**AGENDA ITEM 3:** Community Development

**A. Presentation of the Fox River Valley Planners Excellence in Public Planning Award**

Mr. Farnum presented the Village Board with the Fox River Valley Planners, Excellence in Public Planning Award. This award is recognition from our planning peers in Kane County that this project reflects excellence in Planning, Public Participation, and Government Cooperation.

President accepted the awarding and thanked staff for their continuous efforts.

**B. Consideration of updated Zoning Map**

Ms. Parkhurst presented the 2017 Zoning Map with mention that it has been updated to reflect the developments over the past year with the following changes:

- Changed lot lines for the Esplanade Plat of Resubdivision for Lots 2, 3, and 4.
- Added SU for 402 North Main Street for a Residential Dwelling Unit.
- Added PUD and SU for 234 South Randall Road for a new multi-tenant retail building and outdoor patio.
- Added a SU for 212-216 Eastgate Court for Rehab Care Group.
- Added a SU on Lot 5 of the Millbrook Marketplace (in front of Walmart) for Aspen Dental.
- Added SU for 1113 South Main Street for Scoo B Doo's pet grooming.
- Annexed and Zoned 1621 Heather Drive to R-2 for a new single family home.
- Added a SU for 2513 County Line Road for Dr. Tabor's Dental Office.
- Added a PUD and SU for 4029 West Algonquin Road for Dunkin Donuts.

It was the consensus of the Committee to move this to the Board for approval.

**C. Consideration of a Special Use Permit for Outdoor Storage at 1300 Chase (D'Land Construction)**

Mr. Mason presented: Mr. Joe DiFronzo, 1300 Chase Street, applied for a Special Use Permit. He is the owner of D'Land Construction, a concrete contractor, that would like to use this property for his business and to store unused construction vehicles during the non-construction months. Which he has agreed to install a fence on the south side of the building, to help screen the vehicles and equipment.

Staff recommends the following conditions:

- An eight- foot (8') tall board-on-board fence shall be installed on the south side of the property in the locations shown on the petitioner's site plan dated November 22, 2016.

- The fence shall have a solid latchable gate that is to be kept closed at all times, except for when vehicles or equipment are entering or exiting the outdoor storage area.
- The petitioner shall obtain a building permit for the fence and be required to submit specifications for the fence design for review and approval by the Community Development Department.
- The lumber rack and contents proposed to be placed in the outdoor storage area shall not exceed the height of the fencing.
- A maximum of twelve (12) total vehicles or pieces of equipment – of the type described in the petitioner's letter dated November 22, 2016 or substantially similar thereunto – shall be permitted in the outdoor storage area at any one time.
- All vehicles, trucks and trailers stored in the outdoor storage area shall be registered to and used for the business.
- All vehicles, trucks and trailers stored in the outdoor storage area shall be functional and maintained in a good operating manner.
- Outdoor storage of vehicles and equipment shall be kept behind the rear building line as designated with black cross-hatching on the petitioner's site plan dated November 22, 2016.
- Outdoor storage shall only be permitted on the south side of the building, provided the vehicles and equipment do not exceed the height of the fence.
- No vehicles, trucks or trailers shall be parked outside the storage area for more than twenty-four (24) hours.
- Pursuant to Section 21.22 of the Algonquin Zoning Code, for any violation of the conditions of a Special Use Permit, a daily fine, found in Appendix B of the Municipal Code, shall be charged per violation until the violation is corrected. Each day that a violation continues shall be considered a separate offense. The Village shall notify the property owner in writing of the violation and the property owner shall have one day to correct the violation before a fine is charged.

Committee members Glogowski, Sosine, and Dianis brought up concerns regarding the size of the trucks and the other equipment/materials that would be stored on site and if adjacent property owners were notified. Mr. DiFronzo indicated that most of the materials, with the exception of some framing material and rebar would be stored inside the building. Most trucks and larger equipment is stored on the worksites, but in the winter months there will be 2 larger dump trucks and smaller trucks. All adjacent property owners sent letters notifying them of this plans for the property.

It was the consensus of the Committee to move this to the Board for approval.

#### **D. Consideration of a Final PUD and Special Use Permit for Orthollinois on Lot 3 of Olsen's Second Resubdivision**

Mr. Mason presented: Mr. Don Schreiner, on behalf of Rockford Orthopedics Associates, has submitted a petition to construct a medical office facility on the vacant lot south of the Advocate Sherman Immediate Care Center. The developer is proposing to construct a new 26,490 square foot orthopedic clinic called Orthollinois Algonquin Clinic, this location is intended to replace the Orthollinois Clinic currently in Crystal Lake. The developer shall be required to extend curbing on both sides of all driveways and parking lot areas on site. The proposed wheel stops in the rear lot behind the building shall be eliminated, nor would they be necessary once curbing is extended all along the eastern parking lot. Both the Village Engineer and Public Works Department have noted required changes and modifications to the proposed utility plan drawings, including the need to install storm sewer pipe to convey runoff from the parking lot south to the existing storm manhole along the southern property line.

Staff recommends the following conditions:

- That site construction shall not commence until a site development permit has been issued by the Village.
- The Site Plan as prepared by Eriksson Engineering Associates, Ltd. dated November 17, 2016 shall be revised to incorporate comments from the December 15, 2016 Christopher Burke memo and the December 22, 2016 Public Works memo. The developer shall provide a pedestrian connection between the sidewalk on Sherman Road and the sidewalk proposed in front of the building. The building's sidewalk shall be extended around all four (4) sides of the structure, to provide pedestrian as well as
- Fire Department access to the entire building.
- The Engineering Plans as prepared by Eriksson Engineering Associates, Ltd. dated November 17, 2016 shall be revised to incorporate comments from the December 15, 2016 Christopher Burke memo and the December 22, 2016 Public Works memo. The developer shall be required to extend curbing on both sides of all driveways and parking lot areas on site. The proposed wheel stops in the rear lot behind the building shall be eliminated. Storm sewer pipe shall be installed to convey runoff from the site to the existing detention pond to the south. Fire hydrant locations shall be added to the site and engineering plans and should be within 100 feet of the building.

- The Photometric Plan as prepared by Harwood Engineering Consultants, Ltd. dated November 1, 2016 shall be revised to incorporate comments from the December 15, 2016 Christopher Burke memo and the December 22, 2016 Public Works memo. The parking lot light fixtures shall meet village standards of metal halide or LED lights, the lens flush with the housing on 25-foot poles, flat black poles and fixtures, downcast lights and no exposed bulbs. The developer shall submit catalog cuts of the proposed pole- and wall-mounted light fixtures to Community Development Department staff for review and approval prior to installation.
- The Landscape Plan as prepared by Eriksson Engineering Associates, Ltd. dated November 17, 2016 shall be revised to incorporate comments from the December 15, 2016 Christopher Burke memo and the December 22, 2016 Public Works memo. Foundation landscaping shall be added to the north and south sides of the building. The developer shall also be required to modify the landscaping plan to accommodate McHenry County's land acquisition for the widening of Randall Road; modifications may include items such as relocation of the proposed monument sign and landscape plantings out of the right-of-way. The developer shall provide a formal landscape plan for the portion of the site that extends south of the parking lot toward the detention pond.
- The Building Elevations as prepared by AMB Development Group dated November 1, 2016 shall be revised to incorporate staff comments. The building's stone base shall be extended underneath the windows on all four sides, to provide a more uniform appearance between the brick and panel sections of the building.
- The sign elevations prepared by AMB Development Group dated November 1, 2016 shall be revised to incorporate comments from the December 5, 2016 Building Department memo. The proposed monument sign shall be revised to meet the Village's Sign Code requirements, including a brick or stone frame around all four sides and a decorative stone cap. The wall sign drawings shall be revised to include measurements and dimensions. A maximum of two (2) wall signs is permitted in accordance with the Village's Sign Code regulations. The developer shall be required to obtain all appropriate sign permits from the Community Development Department prior to construction.

After some discussion by the Committee regarding the aesthetics of the building, the size of the parking lot, landscaping, it was agreed that the plan would include more landscape around the trash/dumpster holding area and there will be no removal of existing trees. Staff will work with the developer to obtain an updated rendering showing staff's recommendation regarding the additional brick surround.

It was the consensus of the Committee to move this to the Board for approval.

#### **E. Consideration of a Special Use Permit Medical Marijuana Dispensary at 1154 N. Main Street**

Mr. Farnum presented:

Ross Morreale, representing ILDISP III, LLC has petitioned for approval of a Special Use Permit for a Medical Cannabis Dispensary for the property at 1154 N. Main Street. This property is a freestanding building that is part of a medical office complex. The proposed use is for a medical cannabis dispensary. Operating similar to a pharmacy, but with higher levels of security, this use is highly regulated by the State of Illinois, and can only distribute limited quantities of marijuana or cannabis products to patients with registration from the State, which is based upon verification from a doctor that they have a condition that meet the requirements for medical cannabis. The dispensary must meet State standards of security, sanitation, and operation. The State regulations further restrict the possibility of involvement in the medical marijuana industry by any cartel, gang or other criminal enterprise.

The petitioner's request includes a Business and Operations plan, as well as a Security Plan. To summarize the operations, the building is partitioned into three secure areas, the waiting room, the sales area, and the storage and processing area, which would include the offices and a vault. The proposed additional garage, serving as a secure sallyport, would be attached to the storage and processing area, and would only be accessible through the processing area.

In August 2013 the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (the "Act"), which became effective January 1, 2014. This is a pilot program scheduled to expire at the end of 2017. The Act permits one dispensary in McHenry County. The State of Illinois Department of Financial and Professional Regulation will issue up to 60 permits for dispensary centers. Because the one license for McHenry County has not been obtained by another user, it is still available, and, if this use is approved, ILDISP III, LLC, will be petitioning for approval by the State in the spring of 2017. It is anticipated that the State will be accepting another round of applications for licensing at that time. It is unknown, at this time, how the expiration of this pilot program at the end of 2017 will impact the existing (or approved) dispensaries, or the provisions for additional licenses this coming spring. This essentially states that the Village cannot prohibit or regulate Dispensaries in a way that would thwart the intent of the legislation, but the Village can place reasonable

restrictions or conditions on the use through a Special Use Permit. In fact, the Village Zoning Ordinance allows Medical Cannabis Dispensaries as a Special Use in the Business Zoning Districts, but restricts the location of the uses within 1,000 feet of Randall Road. While the State has passed this legislation to promote compassionate use of cannabis as an alternative treatment to a specific list of difficult-to-treat conditions, there is still a stigma related to this drug. It has been illegal for decades, and in fact, it is still technically a violation of Federal law to buy and sell this product. However, a Federal law passed in 2014 prohibits the FDA from using funding to enforce federal drug laws with the intent of thwarting implementation of medical marijuana in states where the product is legal. This creates a concern wherein Village action could be interpreted as supportive of the State Act but in direct violation of Federal law. This is further complicated by the fact that the State Act is a Pilot Program and “expires” at the end of this year, creating a situation wherein a use approved by the Village could be in violation of State and Federal laws at the end of 2017.

Nearby uses include two counseling centers that both list “addiction treatment” as a service. While neither is an inpatient facility, this presence raises concerns that persons receiving treatment for addictions would see this facility as a temptation that may limit their progress to ease their addiction issues. While cannabis is reportedly non-addictive (it is habit forming), this is still a concern to the well-being of the community and its citizens. Limitations on the signs allowed for the Dispensary may help alleviate that concern, by making the use less noticeable to the clients of the counseling centers. Staff has reached out to the landlord of the property to discuss this issue, but have not been able to have that conversation as of the preparation of this report.

The Police Department has expressed concern that this facility would be the target of after-hours suspicious activity and more vulnerable to attempted break ins and other illegal actions. This will increase the amount of Police presence necessary to assure the safety and security of the surrounding area. To address this, there are recommended provisions added to the approval of the security plan, but these may not fully address the concerns.

Staff concurs with the Planning and Zoning Commission and recommends the following conditions:

- That this Special Use Permit is issued specifically to IL DISP III LLC, at the property known as 1154 N. Main Street, and shall be valid for not more than one year. If within that year, ILDISP III LLC obtains a State license for a medical marijuana dispensary, and the State Act is continued past 2017, the Special Use Permit shall continue as long as the facility is operated by ILDISP III LLC in accordance with the Act and the conditions herein;
- That the operations, at all times, be maintained in compliance with the State of Illinois Compassionate Use of Medical Cannabis Pilot Program Act (the “Act”), as may be amended from time to time;
- That the operations be maintained in compliance with the Security Plan, and the Operations and Business Plan, as submitted by the Petitioner;
- That the Petitioner shall provide and install 24-hour per day, 7-day per week real time video surveillance equipment, subject to the approval of the Chief of Police, which, in addition to the video monitoring outlined in the Security Plan, shall cover or encompass the entire exterior perimeter of the building, as well as the entire common parking area, and the ingress/egress to the site. Said equipment shall be installed, tested, and fully operational, to the approval of the Chief of Police, prior to any occupancy of the property;
- That the existing exterior window in the vault which needs to be secured be completed in such a way that does not impact the exterior appearance of the building. In addition, the proposed garage would be constructed of the same brick as the current building, and otherwise match in terms of height, trim, colors and roofline;
- That the signage for the use be limited to no more than one wall sign, which shall say only “Medical Cannabis” with a white cross. One non-illuminated window sign shall be allowed on the door, other than operating hours or other information required by the State Act, which shall be restricted to the same text and logo outlined above, and shall otherwise comply with the Algonquin Sign Ordinance. There shall be no ground sign nor additional wall or window signs, even if otherwise allowed by the Algonquin Sign Ordinance, unless otherwise required by the State Act;
- That there shall be no sale of cannabis products, nor any other paraphernalia or products dispensed, to any member of the public who is not otherwise authorized to purchase cannabis products in accordance with the State Act;
- That there shall be no residential use established on any portion of the property within this site for as long as the Dispensary is still in business at this location.

Ms. Jasper asked: Are there other sites like this in McHenry County and has anyone visited them; Will there be sting operations as they do for alcohol compliance; How many people in this area will this help; How much is dispensed at one time; Since this is a cash business, how is cash handled after the sale; Were area businesses and residents notified of the proposed business?

The Committed asked the following: What is the process for someone to qualify, which ailments, how is the quantity determined, what will be the hours of operation, how will security be handled?

Mr. Schmitt indicated, this is not a head shop. The facility will be no different than any corner Walgreens. You must have a prescription to enter the facility and to have their prescription filled. The closest facility is in Schaumburg, this area is in need of this for the residents of McHenry County and the surrounding area.

Chief Bucci indicated, they will be working with the State to see what is allowed as far as compliance checks.

Mr. Morreale, representing ILDISP III, LLC addressed the questions by stating each patient must have a qualifying illness, as determined by the State. Once the condition and the order from the doctor has been approved by the State, the patient will receive a "prescription" dispensary card. This card is only good for that specific patient at the dispensary assigned on the card. You are allowed 2.5 oz. every 15 days, in some instances the doctor can override this. The State regulates the hours you are allowed to be open (8am-8pm), they do not see a need to be open that many hours. When a patient enters the building they must show their Dispensary Prescription Card, once approved they may enter the area to choose their product. There is another area where people can enter the building for counseling and questions. There will not be a security guard on staff, with the exception of the dispensary in Chicago, most dispensaries do not employ a security guard. At this time, there are approximately 15,000 patients in Illinois, each spending \$300-\$400 a month on their products. When bringing the cash to the bank, this is done on different days, taking various routes to avoid a common schedule. Also, the Dispensary community is small, they meet monthly to go over oddities and problems they have had and what they foresee that may be a problem.

It was the consensus of the Committee to move this to the Board for approval.

#### **AGENDA ITEM 4: General Administration**

##### **A. Presentation for Capital Budget for 2017/2018**

###### **1. Proposed Water and Sewer Improvement and Construction Budget**

This fund is intended for the larger capital improvements such as expansion of the water and sewer treatment plants, distribution systems, and smaller expenditures that improve or enhance the existing water and sewer distribution systems overall. Expenditures are budgeted to be \$6,622,200. This amount includes legal services, engineering for various projects, infrastructure maintenance, water treatment plant repairs/maintenance, wastewater collection, and watermain improvements.

Revenue estimated for this fiscal year is \$1,600,000 (including a one-time transfer of \$1,200,000 from the Water & Sewer Operating Fund), and expenditures are budgeted at \$6,622,000. The existing cash reserves of over 7,000,000 will cover the difference between revenues and expenditures.

###### **2. Proposed MFT and Street Improvement Budgets**

These two funds have separate sources of revenue collection and expenditure requirements. The projects recommended in these two funds continue the village's commitment to maintenance and implementation of the multi-year street improvement program.

The MFT and Street Improvement Funds budget assumes carryover projects from the current fiscal year, outstanding monies to be paid to the state of Illinois for previously completed projects, a draw down in cash reserves, grants, future tax increment financing (TIF) fund reimbursements and the possibility of future issuance of debt. These factors will allow expenditures of road projects to exceed revenues by \$4,026,000. The projected revenue for the two funds total \$6,293,000, and the proposed engineering, road construction and maintenance expenditures total \$10,283,500.

###### **3. Proposed Park Improvement Budget**

The Park Fund (Capital) is used for the acquisition of parklands, development of and improvements to new parks, and wetlands/native area enhancements. Through it, the village provides a comprehensive park system that provides recreational opportunities for all residents while protecting assets, natural resources and open space for the benefit of present and future generations.

During the high growth years, park impact fees, paid by developers, financed many new park development and other enhancements. With the slowdown in new construction, the revenue generated from park impact fees has lessened and become more intermittent. Furthermore, the recreational improvements built during the growth years are substantial and require systematic maintenance. Therefore, the village has dedicated two recurring revenue streams to protect and preserve the standards of excellence expected by the community. First, video gaming revenue received via the state (5% of net terminal income) is deposited into the Park Fund. Second, as of July 1, 2015, a portion (2.25% tax rate) of the revenue from the village's telecommunications tax is also being dedicated to the fund. Revenues include \$2,000 in interest income, \$108,000 in video gaming terminal tax receipts and \$270,000 from the dedicated proportion of the telecommunications tax.

Ms. Jasper asked for clarification on the proposed Water/Sewer Budget. The budget proposes \$400,000 for meters and installation. But, during the Committee of the Whole meeting it was indicated that the new meter installation services for commercial units was to be done in-house.

Mr. Kumbera indicated, although the plan is to use staff to install the meters, we like to have some monies set aside in case we need to use an outside source for some of the installations.

Mr. Schmitt recommended, if there is a possibility of going into debt, with the possible inflationary climate, it may be a beneficial to acquire debt now rather than later. For things like high speed fiber coming in from the west.

Mr. Dianis asked how much is TIF eligible? Mr. Kumbera indicated, most all of the infrastructure improvements planned for the TIF area are eligible.

It was the consensus of the Committee to move this to the Board for approval.

#### **AGENDA ITEM 5: Public Works & Safety**

##### **A. Consider an Agreement with True North Consultants for Environmental Engineering Phase 2 & 3 Design for the Downtown Streetscape Stage 1 Project**

Mr. Mitchard indicated they received two proposals for the Environmental Engineering Phase 2 and 3 design for the Downtown Streetscape Stage 1 Project. Although both proposals conformed to the requirements of the RFP, after review of the proposed services and cost for specific services, it is staff's recommendation to consider the proposal provided by True North Consultants.

Mr. Mitchard asked the Committee consider the proposal provided by True North Consultants for environmental engineering phase 2 and 3 design for the Downtown Streetscape Stage 1 Project in the amount of \$30,495.00.

Mr. Dianis asked if they were anticipating additional costs in Phase III? Mr. Mitchard indicated, there will be additional costs, but at this time he cannot estimate the costs. He is expecting soil issued with the areas in the downtown that housed car lots, gas stations, and service stations. When these businesses were open the regulations were not in place to protect the grounds.

It was the consensus of the Committee to move this to the Board for approval.

##### **B. Consider an Amendment to Chapter 41.19(A) Speed Limits; Reducing the Speed on Sandbloom Road**

Chief Bucci proposed reducing the speed limit on Sandbloom Road 200 feet north of Compton Drive to the Village limits. Currently, Sandbloom Road from IL Route 62 to 200 feet north of Compton Drive the speed limit is 35 mph. The limit then changes to 40 mph, then reduces again to 35 mph when leaving the Village and entering Kane County.

The speed change from 40 mph to 35 mph is only 200 feet from Compton Drive, this effectively makes the speed limit through that intersection a 40 mph zone. According to the Illinois Vehicle Code 625 ILCS 5/11-604 (Alteration of limits by local authorities), "electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel". This means that while the current speed limit through the intersection is 35 mph, the police department may not enforce it which effectively makes the limit 40 mph through the intersection. In addition, there is a cross walk at the intersection of Teri Lane and Sandbloom Road which also lies within the 40 mph speed zone.

In an attempt to create consistency throughout the length of Sandbloom Road, to provide for a safer crossing for vehicles, pedestrians and bicyclists at intersections and crosswalks, we recommend reducing the speed limit from 40 mph to 35 mph from 200 feet north of Compton Drive south to the Village limits.

Ms. Sosine asked, what is the status of the traffic study. Chief Bucci indicated, the weather conditions have prohibited placing the equipment and the study is on hold.

It was the consensus of the Committee to move this item to the Board for approval.

#### **AGENDA ITEM 6: Executive Session**

Moved by Sosine, seconded by Glogowski to move to executive session to discuss Personnel/Collective Bargaining and Land Acquisition at 9:24 p.m.

Moved by Sosine, seconded by Smith to reconvene the Committee of the Whole meeting at 10:25 p.m.

**AGENDA ITEM 7:** Other Business  
None

**AGENDA ITEM 9:** Adjournment  
There being no further business, Mr. Dianis adjourned the Committee of the Whole meeting at 10:26 p.m.

Submitted: Michelle Weber, Deputy Village Clerk