

Minutes of the Committee of the Whole  
Village of Algonquin, Illinois  
Held at Village Hall on June 26, 2012

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Call to Order and Roll Call: Chairman Jim Steigert called the Committee of the Whole meeting to order at 7:48 p.m. and stated there was a quorum with the following trustees present: Jerrold Glogowski, Bob Smith, Debby Sosine, Brian Dianis, John Spella and President Schmitt. Village staff included Bill Ganek, Village Manager; Russ Farnum, Director of Community Development; Katie Parkhurst and Ben Mason, Senior Planners; and Russ Laine, Chief of Police. Attorney Kelly Cahill and Village Clerk Jerry Kautz were also in attendance.

Audience Participation: None

Community Development

- A. Annexations of Various Parcels (2012-02)/525 South Hubbard Street, 1225 Hillside View Drive, 1334 Hillside View Drive, 1201 South Main Street, and 1229 Meadow Drive
- (1) Annexing the parcels
  - (2) Rezoning the parcels as follows: 525 South Hubbard Street to R-2; 1225 Hillside View Drive to R-1; 1334 Hillside View Drive to R-1; 1201-1249 South Main Street to B-2; and 1229 Meadow Drive to R-1

Ms. Parkhurst reported the Village of Algonquin has requested permission from five property owners to annex their property into Algonquin. In comparing GIS maps with McHenry County, it was realized that these properties were never annexed into Algonquin. The Village has treated these properties as incorporated for years by issuing building permits, charging Village rates for water and sewer, and providing police protection. These properties have not been paying taxes to the Village. After researching the sites it was determined that these properties are surrounded by incorporated properties and were left out of the annexations for some unknown reason. Plats of annexation have been prepared by Christopher Burke Engineering for each parcel to be annexed. Annexing and zoning these parcels now brings the parcels into the Village and in conformance with the proper zoning. Each property will be zoned in accordance to the adjacent properties. The property owners will now be charged the Village tax rate; no other changes to their services will be noticed. The Village views this action as clearing up a miscommunication between the Village and the County that happened many years ago. All five property owners are willing to have their properties voluntarily annexed to Algonquin as they have always thought they were in the Village.

Consensus of the Committee of the Whole was to move forward to the Board for approval.

- B. Special Use for Truck Rental (2012-04)/Home Depot, 200 South Randall Road

Ms. Parkhurst explained that this proposed Special Use Permit is required for truck rental due to the outside storage of the vehicles. Home Depot and Penske Trucks have a new partnership whereby customers can rent trucks from Penske at Home Depot locations. Home Depot will serve as a rental agent where people can pick up and drop off the trucks. A maximum of six

trucks are proposed to be stored behind the Home Depot building. Customers would check out the truck from the customer service desk at Home Depot; then an employee would drive the truck to the front of the store for the customer. During discussion, Mr. Schmitt stated he wants an option for the agreement to be null and void if the area behind Home Depot were ever made into a public street. Also the Committee of the Whole would like to see trees at least 10 feet tall planted on the berm to help hide the trucks from the subdivision behind Home Depot. Mr. Smith and the Board asked what size trucks would be rented; the answer was up to 24 feet, but most will be vans and small panel trucks.

The consensus of the Committee of the Whole was to move forward to the Board for approval with the modifications.

C. Special Use for Chiropractic Office (2012-05)/Fernandes Chiropractic, 4093 West Algonquin Road

Mr. Mason reported Dr. Pamela Fernandes has submitted a petition for a Special Use Permit for a chiropractic office in the multi-tenant building on Lot 5 of the Square Barn Commercial Center, which is located at the southwest corner of West Algonquin and Square Barn Roads. Specifically, the name of the practice is Fernandes Chiropractic, Ltd., and the proposed tenant space is 4093 West Algonquin Road. The property in question is zoned B-2 PUD. Fernandes Chiropractic is an existing practice located in Huntley that was established in 2004. The practice has grown steadily since it opened and is projecting it could double its size again in the future once it relocates to a new, more visible and convenient location. The special use includes language that would allow them to expand into an adjacent unit in the building without coming back for further Special Use Permit approval.

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

D. Amendments to the Zoning Ordinance (2012-03)/Sections 21.12, Special Uses, and 21.18, Public Hearings

Mr. Farnum reported these are housekeeping amendments that were drafted by staff and reviewed by the Village attorney.

*The addition of Pawn Shops to #42, with Payday Advance.* The Village does not want to see these uses permeating our business districts, so, by code, they are limited to the I-1 and I-2 zoning districts. In addition, a provision is added to prohibit those uses within 1,000 feet of the Village's prime retail corridors--Randall Road and Algonquin Road.

*Changing provisions for Recycling Centers in #50.* Currently recycling centers are only allowed as a special use in the I-2 District, but, with proper provisions limiting outside storage, the Village would also allow them as a special use in the I-1 District.

A new provision would provide for expiration of special uses when approved but never built (or established). Currently if the Board authorizes a special use, it runs with the land. If nothing is built, that property is still entitled to be whatever use was approved but never established (a gas station, day care center, etc.). Over time, the situation may change when it is no longer desirable to have that use at that location. This new language puts a "deadline" of 12 months on the commencement of construction or establishment of the use which can be extended at the discretion of the Board as part of the Special Use Permit.

*Amendment to Chapter 21, Section 18, pertaining to Public Hearing Notices.* This amendment is due a change in Illinois Statutes pertaining to the required information found in a legal notice. The new regulations allow for the listing of a Property Index Number and common location or street address, instead of the legal description of the property. This new provision allows for easier recognition of a property.

The Planning and Zoning Commission recommended approval of these amendments on June 11, 2012. Mr. Smith was concerned about the "we buy gold" shops that are not actual jewelry stores cropping up all over the village. Attorney Cahill advised that could not be added in at this time because it was not part of the legal notice, and staff agreed to review that issue and possibly bring it back later as a separate amendment. Ms. Sosine asked how this amendment affected special uses that had already been approved. Staff responded that this would only apply to new special uses approved after the amendment was adopted; it could not be made retroactive to those already approved.

Following discussion, it was the consensus of the Committee of the Whole to forward this to the Board for approval.

#### General Administration

##### A. Executive Session:

- (1) Interview Candidates for Vacant Positions on the Economic Development and Public Arts Commissions

##### Recess:

Moved by Dianis, seconded by Schmitt, to recess to executive session to interview candidates for the Economic Development and Public Arts Commissions. Roll call vote: voting aye – Dianis, Glogowski, Steigert, Smith, Schmitt, Spella, Sosine. Motion carried: 7-ayes, 0-nays. Time: 8:21 p.m.

##### Reconvene:

Moved by Dianis, seconded by Glogowski, to reconvene the Committee of the Whole at 8:52 p.m. Roll call vote: voting aye – Dianis, Glogowski, Steigert, Smith, Schmitt, Spella, Sosine. Motion carried: 7-ayes, 0-nays. Mr. Steigert said there was nothing to report at this time.

##### B. Consider Ordinance Establishing Prevailing Wage Rates for the Village of Algonquin

Per State statute, the Village is required to pass an ordinance establishing prevailing wage rates on an annual basis for public works projects. The Prevailing Wage Act requires contractors and subcontractors to pay laborers, workers, and mechanics employed on public works construction projects no less than the general prevailing rate of wages (consisting of hourly cash wages plus fringe benefits) for work of a similar character in the county where the work is performed. All contractors hired by the Village must comply with this ordinance.

Consensus of the Committee of the Whole was to move forward to the Board for approval.

#### Public Works & Safety

##### A. Consider an Ordinance Amending Chapter 43, Offenses Against Public Peace, Safety

and Morals, of the Algonquin Municipal Code to Add Section 43.37, Truancy

Chief Laine reported, at the request of School District 300, the Village reviewed the benefits of adopting a truancy ordinance. In speaking with School Resource Officer Dennis Walker, who is assigned to Jacobs High School, it was learned that both he and Jacobs administration feel that truancy is a problem at Jacobs, and their resources are limited to deal with this issue.

When students are truant, they are not at home studying. The potential for increased illegal activity is present while they are freely “walking the streets.” Dundee Crown has seen significant behavioral changes in students when their truancy ordinance is enforced. A PDF of Dundee Crown’s presentation was included in the packet, and it shows the results from the ordinance. Jacobs does counsel its students and takes disciplinary actions against them. This ordinance will be used as a last resort when all else has failed and will be enforced by the School Resource Officer in cooperation with Jacobs. The first offense is \$75, with the second being \$150. Each case is different in trying to help students stay in school.

Following discussion, it was the consensus of the Committee of the Whole to forward this to the Board for approval.

Other Business: None

Adjournment: There being no further business, Chairman Steigert adjourned the meeting at 9:15 p.m.

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Submitted: Jerry Kautz, Village Clerk