

VILLAGE OF ALGONQUIN
COMMITTEE OF THE WHOLE
Meeting Minutes
Algonquin Village Hall Board Room
December 10, 2013

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson Debby Sosine, Trustees Jerry Glogowski, Jim Steigert, Bob Smith, John Spella, and Brian Dianis, and President John Schmitt

Staff Members Present: Tim Schloneger, Village Manager; Bob Mitchard, Public Works Director; Andy Warmus, Utilities Superintendent; Russ Farnum, Community Development Director; Ben Mason and Katie Parkhurst, Senior Planners; and John Bucci, Deputy Police Chief. Kelly Cahill, Village Attorney, and Jerry Kautz, Village Clerk, were also in attendance.

Chairperson Sosine called the meeting to order at 7:30 p.m. and announced those in attendance.

AGENDA ITEM 2 Community Development

A. 421 South Main Street (2013-16)/Rezoning to O-T and Final PUD (James Jendruczek)

Mr. Mason reported Jim and Donna Jendruczek have submitted a petition for rezoning the parcel located at 421 South Main Street from I-1 Industrial to O-T Old Town and Final Planned Development. The subject property is located just north of the Prairie Trail bike path and west of Mega Home Improvement. The property was historically used as part of a lumberyard complex that was constructed along the former Chicago and Northwestern rail line that ran through downtown in the early to mid-1900s. In 1980, the existing building was built for a hardware store, but it has been vacant since 2011 when the most recent Bargain Furniture business closed. The petitioners purchased the property earlier this year, and their initial intentions are to use the upper floor of the building to display several antique show cars. The car collection is private and would not be open to the public; however, the petitioner has expressed an interest in sharing the building with a future retail use, such as a bicycle or outdoor recreation shop. This property was identified as a potential mixed-use redevelopment site in the 2013 Downtown Planning Study.

On November 11, 2013, the Planning and Zoning Commission considered the petition and unanimously recommended approval of the petitioner's request for rezoning the subject property from I-1 Industrial to O-T Old Town and Final Planned Development for 421 South Main with the findings of fact presented and the conditions listed by staff.

1. Prior to the issuance of any building permits for the property, the owner shall remove the former "Bargain Furniture" ground sign that is located in a required setback and does not meet current sign code requirements for the Old Town District (Ch. 29.13.F.3).
2. Prior to the issuance of any building permits for the property, the owner shall replace the dilapidated fence along the rear property line with a new fence that meets the zoning code requirements for commercial property abutting a residential use (Ch. 21.9.C.).
3. Prior to the issuance of any building permits for the property, the owner shall repaint the peeling rear service doors on the building.

4. To encourage future commercial uses on the property, and to be consistent with the business zoning of adjacent parcels, all uses permitted in the B-1 Business zoning district shall be allowable by right on the subject property.
5. The property owner shall make available, on an ongoing basis, a minimum of 50 percent of the storefront windows for village displays, such as historic artifacts or public art sculpture.
6. The following uses shall be prohibited on the property: motor vehicle sales (new or used); automobile bodywork and repair services; automotive painting and detailing.

During discussion, it was noted that the floor is more than enough to support the antique vehicles. Consensus of the Committee of the Whole was to move on for Board approval.

B. Consider Ordinance Amending Chapter 29, Signs, Changing the Allowed Colors for Gas Price Illumination

Mr. Farnum reported BP has made a request to install LED price panels on their monument sign on Randall Road. The request includes green LEDs, which are standard for BP Amoco products. The village sign ordinance currently only allows red or amber LEDs on gas station price signs. This section of the ordinance conflicts with industry-wide standards for gas stations which typically provide either red or green price signs for fuel products. It is recommended that the Sign Ordinance be amended to allow either red or green LEDs on gas station price signs (eliminating amber), which would then be consistent with industry-wide standards. If the committee concurs with this minor amendment, an ordinance will be prepared and placed on the December 17 Board agenda for execution of the amendment.

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

C. Consider a Recapture Agreement with CityView Algonquin Shores 166 L.P. and Alliance Contractors, Inc. for the Intersection of Compton Drive and Algonquin Road (Route 62)

Mr. Farnum also reported, as part of the development approvals for the Glenloch PUD (also known as Auburn Lakes), the village agreed to adopt a recapture agreement for the off-site intersection improvements at Compton and Algonquin Roads. The intersection has been completed, and now the developer has proposed an agreement for village approval and adoption. Due to a complicated series of lawsuits and settlements, this agreement actually includes the intersection contractor, Alliance Contractors, Inc., as well as the developer, CityView Algonquin Shores 166 L.P. This proposed agreement has been fully vetted by the village attorney and village staff, the costs have been documented, and the agreement is compliant with the related settlement agreements. Recapture fees come from the developer and future property owners.

The consensus of the Committee of the Whole was to move on to the Board for approval.

AGENDA ITEM 3: General Administration

A. Consider Ordinance Establishing Special Service Area Number 2 for the Property Known as the Cove III Subdivision

Ms. Parkhurst reported the Cove III subdivision received preliminary approval in 1999 when the property was annexed and received final approval in 2004. The final approval consisted of 156 townhome units. The subdivision was started and 19 units were constructed, sold, and are now occupied. Then the housing market crashed and no additional units were constructed. Plote Homes amended the

development plans for Phase 3 of the Cove subdivision to change the product type from townhomes to single-family homes. The revised plat of subdivision was approved by the Village Board in March of this year. The development will consist of 41 townhome units and 65 single-family units. The homeowners' association is responsible for the maintenance of all common areas within the development, including the storm water detention facilities. Over the years, the village has learned that homeowners' associations disband, cannot raise enough revenue, or do not have the expertise to manage the common areas. The village's position in the past has been to lien properties if work was to be done by the village. More recently the village has determined that backup Special Service Areas (SSA) may be a more appropriate mechanism for ensuring the long-term maintenance of common areas.

The village is requesting the developers (Plote Homes and William Ryan Homes) work with staff to propose a backup SSA to cover the Cove III residential development, to include the existing 19 occupied units and the future units.

The backup SSA for the Cove III would include but not be limited to:

1. Maintenance, restoration, landscaping, repair, replanting and reseeding of open space, common areas, landscaped areas, and natural areas, all in accordance with best management practices, as deemed necessary and appropriate by the village's corporate authorities; and
2. Maintenance, restoration, and repair of compensatory storage areas, detention areas, drainage ways and facilities, storm water drainage ways and areas, retaining walls, floodplains, and bioswales within the area, including, but not limited to, maintenance of landscaping, including grass and shrub trimming, tree plantings, fertilizing and dead material replacement; mosquito abatement; removal of debris, obstructions or other impediments; and parking spaces, as deemed necessary and appropriate by the village's corporate authorities; and
3. Professionals', contractors' and consultants' fees and costs associated with the provision of the special services described above as deemed necessary and appropriate by the village's corporate authorities (collectively, the "Special Services").

The backup SSA would have a not-to-exceed rate of .600 percent per annum of assessed value, as equalized, to be levied against the real, taxable property included in the Special Service Area. Note that if a homeowners' association disbands, the property owners will be liable for upkeep costs through the Special Service Areas. The process to pass this proposed ordinance is very lengthy, with hearings, and it would be next spring before the process comes to completion.

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

B. Consider Intergovernmental Agreement with McHenry County, the Municipalities of Cary and Lake in the Hills, and the McHenry County Conservation District for the Maintenance and Replacement of a Bike Path Along Illinois Route 31

Mr. Schloneger reported, as part of the Western Algonquin Bypass, a bike path plan was included in the Phase I preliminary engineering plans. Per the state's Complete Streets Policy, the Illinois Department of Transportation would include bike paths along roadways and fund 80 percent of the construction provided a local agency will fund the remaining 20 percent and maintain the path. As part of the Western Algonquin Bypass, Virginia Road was to be realigned at its intersection with Illinois Route 31 as this was a high accident location. McHenry County and the property owner of the northwest corner of the intersection engaged in protective land acquisition to preserve the property for the road project,

avoiding costly impacts to a potential development. This protective land acquisition enabled the state to construct the improvements along Illinois Route 31 last year. The costs incurred by the county to acquire the property were then credited by IDOT towards the construction of the bike path from Main Street north towards Rakow Road, over 2 miles in length. The agreement stipulates that McHenry County, through the Division of Transportation, will maintain the path. The path would be maintained during the winter months similar to the MCDOT paths along Walkup and Miller Roads. The villages will be responsible for maintaining the grass or any landscaping within the public right-of-way along Illinois Route 31. All five agencies will share equally with the cost of replacement. The life cycle of the path is anticipated to be 15 to 20 years. The cost to construct the path today was approximately \$120,000. The local share (20%) of construction was \$24,000. The cost in today's dollars to replace the bike path, split equally amongst the five parties, is \$24,000 each.

The consensus of the Committee of the Whole was to move on to the Board for approval.

C. Consider Ordinance Amending Chapter 33, Liquor Control and Liquor Licensing, to Update the Number of Available Licenses in Certain Classes

Mr. Schloneger reported, in accordance with an ordinance passed in June limiting the number of allowable liquor licenses in all classes to the number of licenses issued at that time, the attached proposed ordinance updates four classes of licenses where either establishments have relinquished their liquor licenses (Class B-2 Algonquin Marathon; Class C Main Street Billiards) or there was a miscount of issued licenses in June (Classes E and F). This ordinance deletes one available license from each of the B-2 and C classes, and increases the available licenses for both the E and F classes by one each.

Consensus was to move this on to the Board for approval.

AGENDA ITEM 4: Public Works & Safety

A. Consider Ordinance Amending Chapter 31, Business Regulations, Concerning the Sale of Firearms and Ammunition, and Chapter 43, Offenses Against Public Peace, Safety and Morals, Concerning Vehicular Damage to Village Property

Deputy Chief Bucci reported this is a housekeeping item to tighten up the ordinance regarding the subject chapter.

1. Section 31.12-A. Verbiage was added to include that firearms and ammunition are to be stored and secured. Further, additional descriptions stipulate who is allowed to view and handle firearms and ammunition.

Trustees Smith, Glogowski, and Sosine stated opposition to this proposal during consensus since the state of Illinois does not make it mandatory to present a Firearm Owner's Identification Card to handle an unloaded gun for sale in a store setting.

2. Section 31.12-D. Penalty information amended to refer to Appendix B which will contain the most current dollar value for those found guilty of a misdemeanor under this ordinance.

3. Section 43.11-E. Additional verbiage provides for specific reference to vehicular damage to village property, defining those liable (either solely or joint and severally), as well as providing for restitution to the village for damages to village property.

The 4 to 3 consensus of the Committee of the Whole was to move this item on to the Board for approval.

B. Consider Intergovernmental Agreement with Kane County for Animal Control Services

Deputy Chief Bucci reported the overall purpose of this agreement with Kane County Animal Control is to provide participating Kane County communities with animal control services, including, but not limited to, pickup of animals running at large, sick or injured dogs and small, wild mammals, and providing housing and adoption services for animals in its custody to the best of its ability.

The Village of Algonquin has benefited from this association as we have been able, for example, to call upon Kane County Animal Control to pick up stray dogs that have been located and/or turned in by residents of Algonquin (Kane County). This agreement is substantially similar to the existing agreement with Kane County with a term of six months, with two one-year renewal options. There are changes to the fees, which are at a reduced rate compared to the existing agreement.

The consensus of the Committee of the Whole was to move on to the Board for approval.

C. Consider Ordinance Prohibiting the Use of Groundwater or Digging of Any Wells in a Specified Area

Mr. Mitchard reported this is an intergovernmental agreement between the village, IDOT and the McHenry County Conservation District. Per this IGA that was executed in July 2012, IDOT was to obtain a No Further Remediation Letter from the Illinois Environmental Agency concerning land that was given to both the village and MCCD as part of the Western Bypass project. As part of IDOT obtaining the No Further Remediation Letter, the village has to pass a groundwater ordinance prohibiting the use of groundwater or digging of any wells in the area designated on Exhibit A of the ordinance. The ordinance will fulfill our obligation to IDOT per the intergovernmental agreement. This will then allow IDOT to get a No Further Remediation letter from the IEPA and get environmental signoff of the site.

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

D. Project Update on SCADA Improvements

This item is strictly informational with no action required by the Committee of the Whole

Mr. Warmus gave a brief presentation as an update.

In Fiscal Year 2012, EEI, Engineering Enterprises, Inc., was contracted to complete a SCADA System Needs Assessment report, scope to include an inventory of our existing sites with an evaluation of existing electrical components, introduction of a new software platform, institution of new operational controls, and an improved means of communication highway between the RTUs (Remote Telemetry Units) and the main computer via an FCC-licensed radio. The result was a comprehensive plan taking a phased approach to be achieved over three fiscal years.

In Fiscal Year 2013, the first year of three, \$150,000 was expended in the procurement of computer hardware, two different software, including Wonderware InTouch for monitoring and control, SCADA 911 for alarming with staff notifications and operator interface terminals for individual site control at each of the ten lift stations. In this current fiscal year, the Village Board approved the expenditure of \$415,000 for year two of the three-year planned improvements. Those improvements planned in year two include electrical and control upgrades for all ten lift stations, WTP #2 and its associated wells and

water storage facilities, and WTP #3 and its associated wells and water storage facilities. TRI-R Systems was chosen as the electrical contractor and systems integrator to realize these improvements.

As of the date of this memorandum, \$242,000 has been spent, approximately 60 percent of the current contract value. Nine of the ten lift stations have received control upgrades, as well as the correction of substandard electrical work, elimination of programming deficiencies, new site lighting, and intrusion alarms for site security.

AGENDA ITEM 5: Executive Session

Executive Session. Moved by Smith, seconded by Dianis, to recess to Executive Session to interview a candidate for the vacant position on the Historic Commission and discuss land acquisition. Roll Call vote: voting aye – Sosine, Glogowski, Dianis, Smith, Steigert, Spella, Schmitt. Motion carried: 7-ayes, 0-nays. Time: 8:35 pm.

Reconvene Meeting. Moved by Glogowski, seconded by Schmitt, to reconvene the Committee Meeting. Roll Call vote: voting aye – Sosine, Glogowski, Dianis, Smith, Steigert, Spella, Schmitt. Motion carried 7-ayes, 0-nays. Time: 8:50 pm.

Chairperson Sosine stated possible land acquisition was discussed along with an interview for the Historic Commission. There was nothing to report in open session.

AGENDA ITEM 6: Other Business
Nothing to report.

AGENDA ITEM 7: Adjournment

There being no further business, Chairperson Sosine adjourned the meeting of the Committee of the Whole at 8:52 p.m.

Submitted: Jerry Kautz, Village Clerk