Call to Order
Mayor Wayne Jett called the regular meeting scheduled for February 18, 2019 of the McHenry City Council to order at 7:00 pm in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL.

Roll Call

Pledge of Allegiance
Mayor Jett introduced Ben Miller representing Boy Scout Troop #459 and who had also implemented a book program (Free Little Library) located at the City of McHenry’s Recreational Center. Scout Miller proceeded to lead those present in the Pledge of Allegiance. Mayor Jett thanked Scout Miller for leading those present in the Pledge of Allegiance.

Public Comment
Mayor Jett asked if anyone in the audience wished to address the Council Members. McHenry County Water Resource Specialist, Scott Kuykendall approached the podium. He reported that the County was in the process of updating the Countywide Water Resources Action Plan (WRAP). Mr. Kuykendall noted that the Task Force will be conducting monthly meeting to discuss Best Management Practices as they relate to the County’s water resources. They are asking for volunteers from the County Board, municipalities, townships and other stakeholders to participate in the discussions. He encouraged the City Officials and Staff to have at least one representative present each month. Mr. Kuykendall thanked the Council Members for their time.

Former State Senator Ms. Pamela Althoff approached the podium. She continued on to discuss the importance of maintaining the quality of the McHenry County’s numerous streams, rivers, lakes and wetlands that provide rich habitat, recreational opportunities and natural beauty. She also encouraged the City Officials and Staff to attend the monthly Task Force meetings to share valuable information about the community. Ms. Althoff thanked the Council Members for their time.

Consent Agenda:

Motion to Approve the Following Consent Agenda Items:
B. Approval of a Request to authorize Staff to publicly bid the 2019 Hot Mix Asphalt Material Contract;
C. Motion to accept the a) McHenry Area Chamber of Commerce's 70th annual Fiesta Days event schedule; b) use of Parks, Police, and Public Works for various services related to the event; c) approve the special event liquor license; and d) approve the placement of temporary advertising signs as presented;
D. Special Event Liquor License request from Kim & Patty’s Café’ for hosting the annual Librarians Dinner at 1340 Ridgeview Drive (Follett School Solutions Facility) on February 20th from 3:30-5:00 pm;
E. Ordinance Authorizing the City of McHenry to Borrow $305,500 from McHenry Savings Bank to Finance the Purchase of Property from McHenry Savings Bank at the corrected interest rate of 3.50%;
F. February 4, 2019 Council meeting minutes;
G. Issuance of Checks in the amount of $214,093.75;
H. As needed Checks in the amount of $162,255.10.

Mayor Jett asked if there were any items listed on the consent agenda the Council Members wished to remove for separate consideration. The Council Members offered no comments. A Motion was made by Alderman Curry and seconded by Alderman Santi to approve the consent agenda items A-H as presented. Roll call: Vote: 7-ayes: Alderman Curry, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Individual Action Item Agenda:

Discussion and possible action on a proposed Ordinance amending references to specific gender within the City of McHenry's Municipal Code.
Attorney McArdle recalled a recent City Council conversation in which Alderwoman Condon once again commented on various sections of the City Code that reflects gender. Since that time, he has examined the City Code and has addressed various references to the masculine gender. He reported that he had completely removed any reference to “Alder” and replaced the reference to “Council. Alderwoman Condon thanked Attorney McArdle for all his hard work. Alderwoman Condon believed that the future generations of female Council Members will also appreciate his efforts. In addition, in her opinion, the amended language offers respect to the officers regardless of their gender.

There was some discussion with respect to the Election Code and State Statutes. Attorney McArdle reported that any changes to the Illinois Election Code referenced in the municipal code would have an impact on the City’s form of government.

Attorney McArdle commented on section 1.2 “Gender” of the municipal code. He noted that in
his opinion if the Council Members were comfortable with all the edits this section could be deleted in its entirety. The Council Members concurred with Attorney McArdle’s recommendation.

**A Motion was made by Alderwoman Condon and seconded by Alderman Devine to adopt the Ordinance amending references to Specific Gender within the City of McHenry’s Municipal Code including the deletion of Section 1.2 “Gender”.** Roll call: Vote: 7-ayes: Alderwoman Condon, Alderman Devine, Alderman Mihevč, Alderman Curry, Alderman Schaefer, Alderman Glab and Alderman Santi. 0-nays, 0-approved. Motion carried.

Ms. Sue Miller and Ms. Bobbi Baehne thanked Alderwoman Condon for speaking out on the gender issue.

**Discussion and possible action regarding appointments to the City’s Ethics Commission or entering into an Intergovernmental Agreement with McHenry County to act upon ethics complaints.**

Attorney McArdle commented on the State’s mandate in 2004 which required municipalities to adopt an Ordinance related to new ethics laws. In addition, the Illinois State Legislature required the Illinois Attorney General’s office to draft a model ordinance that municipalities could use to implement the new law.

Attorney McArdle continued on to report that the City though not mandated by state law, also adopted the Attorney General’s recommendation to create both a position of “Ethics Advisor” to assist officers and employees an Ethics Commission. However, the City along with a majority of the surrounding communities has not consistently appointed either the Ethic Advisor position or a commission. Due to the fact that there has been no consistent purpose for such a Commission to meet.

Attorney McArdle reported that since the Ethics Law is rarely applied by Cities or Villages perhaps it makes more sense to have all the complaints in the County be handled by a central advisor and board. To facilitate this option the Council Members would need to approve an Intergovernmental Agreement with the County and municipalities could choose whether they wish to participate. He concluded by reporting that the McHenry County State’s Attorney is still investigating municipalities utilizing the existing McHenry County Ethics Commission.

Alderman Curry questioned if the Ethics Advisor role would be the responsibility of the City’s Human Resource Department or would this also be the role of the County.

Attorney McArdle responded that the Ethic Advisor’s role could be either.

Alderwoman Condon believed that having the County serve as the Ethics Commission was a great idea as it eliminates any potential politics to come into play.
Mayor Jett also agreed that partnering with the County eliminates any political interference in the process.

Alderman Glab and Alderman Santi were also comfortable with the County's role as the Ethics Commission.

Attorney Mc Ardle stated he will continue to work with the State Attorney with regards to this matter.

Discussion Only Items:

Video Gaming
Mayor Jett reported that he placed this matter on the agenda to collectively discuss with the Council Members their current vision with respect to video gaming.

Alderman Curry commented on the fact that he struggles with the idea of allowing any additional video gaming establishments. However, he realizes the gaming terminals provides the City with an additional revenue stream. He continued on to report that the City ranks 13th in the State with respect to the amount of video gaming terminals. In comparison, the City's population ranks only 80th in the State.

Attorney Mc Ardle commented on the method in which the Council Members could resolve this challenging topic. He suggested the Council Members first define what a gaming parlor is. He suggested they could use measurements such as floor space square footage, dining income or the establishment offering a full service kitchen. He continued on to note that the video gaming license is directly tied to the issuance of a Class A or B liquor license which is only issued at the discretion of the full City Council.

A lengthy discussion ensued with respect to ways in which to restrict video gaming.

Mayor Jett asked if anyone in attendance wished to comment on the matter under discussion. Mr. Joe Dougherty approached the podium. Mr. Dougherty reported that in his opinion video gaming revenues could have a positive impact on the community and be used to fund roadway repairs and improve the City’s infrastructure. In addition, he noted that it is getting harder and harder to get people to patronize brick and mortar establishments. Video gaming does incentive some people to patronize various establishments. Mr. Dougherty thanked the Council Members for their time.

This matter will be discussed again at an upcoming City Council meeting.

Vape Shops
Mayor Jett reported that he placed this matter on the agenda due to the fact that there are more and more vape shops popping up all the time. He wanted to discuss this matter will the full
Council to get a consensus on what the vision is for the community at large with respect to vape shops.

Alderwoman Condon discussed the health risk associated with vaping. Alderman Schaefer commented on the fact that e-cigarettes and vaping supplies are readily assessable. He reported that you can purchase them at gas stations, convenient stores, and vape shops. Chief Birk reported that his department is currently in the process of conducting educational sessions at both the Middle and High Schools. He hopes by offering these types of educational sessions it will deter minors' from using e-cigarettes and vaping. Attorney McArdle suggested the Council Members consider placing a moratorium on vape shops until more research can be completed. The Council Members concurred with Attorney McArdle's recommendation. Mayor Jett asked those in attendance if they had any comments on the matter that was currently under discussion. Those in attendance offered no comments.

Attorney McArdle reported that he will draft an Ordinance placing a moratorium on vape shops for Council consideration at an upcoming City Council Meeting.

Staff Reports:

Chief Birk reported that two Officers in two separate squad cars were recently involved in two traffic accidents. He was pleased to report that there were no injuries.

Mayor and City Council Comments:

Mayor Jett apologized for a recent incident involving his Constant Contact account.

Executive Session:

Motion to enter into Executive Session to discuss Collective Bargaining Matters as permitted by 5 ILCS 120/2 (c) (2).

Mayor Jett stated at this time he would entertain a motion to enter into executive session to discuss collective bargaining matters as permitted by 5 ILCS 120/2 (C) (2) with no action to follow.

A Motion was made by Alderman Santi and seconded by Alderman Curry to enter into executive session to discuss collective bargaining matters as permitted by 5 ILCS 120/2 (C) (2) with no action to follow. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Curry, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

The Council Members along with Attorney McArdle, Chief Birk and Deputy Clerk Meadows entered into executive session 8:26 p.m.
Reconvene/Roll Call:

The Council Members along with Attorney McArdle, Chief Birk and Deputy Clerk Meadows returned to the public meeting at 8:40. A Motion was made by Alderman Santi and seconded by Alderman Glab to reopen the public meeting. Roll call: Vote: 7-ayes: Alderman Schaefer, Alderman Santi, Alderman Glab, Alderman Curry, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Adjournment:

There being no further public business to discuss, a Motion was made by Alderman Schaefer and seconded by Alderman Santi to adjourn from the public meeting at 8:41 p.m.


Respectfully submitted,
Debra Meadows

Mayor

Deputy Clerk