

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
AUGUST 16, 2011

Chairman of the Board – Kenneth D. Koehler (District 2)

District 1 Robert Bless Anna May Miller Marc Munaretto Robert Nowak	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Donna Kurtz	District 3 Mary L Donner Nick Provenzano Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill John P Jung Jr. Virginia Peschke Paula Yensen	District 6 Randall Donley Diane Evertsen Mary McCann Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, August 16th, 2011.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Mr. Merkel gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke and Koehler. Absent: Breeden. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-three members responding.

MINUTES

Chairman Koehler asked if there were any changes/corrections to the board minutes of July 19, 2011, there were none.

Mr. Heisler made a motion seconded by Ms. McCann to approve the County Board minutes of July 29, 2011 as presented.

Chairman Koehler asked for a voice vote, the ayes having it, the Chairman declared the motion passed.

CHAIRMAN'S REMARKS

Chairman Koehler said he attended a meeting this morning with Ms. Evertsen and Ms. Hill that was put on by ComEd. It was good in that it provided information from a lot of the municipalities to the pit falls that we saw during the storms of July 11th. What he heard a lot of was an issue with communication. Mr. Christensen was there and talked about the points the county was concerned with and the Chairman noted we have a lot of things to do to make things better. As Well, ComEd knows they could do a better job but when you have more than 900,000 people without power it makes it difficult to get to everyone in a timely fashion and that was with bringing in 1,100 outside teams of people to work on the issues throughout. Chairman Koehler said the county itself is going to have a follow up with ComEd to discuss the broader picture that was seen out there as well as the communication issue. Ms. Evertsen pointed out that the DOT did an excellent job clearing roads so that traffic could continue to go on where wires were not down. ComEd also mentioned that they appreciated having those roads open so they could get in with their equipment. Ms. Hill noted that the power point that was shown at the meeting has been copied and put into board member's mailboxes.

Next, Chairman Koehler said a communication went out last week about the I-90 corridor. He emphasized that this tollway project is going to be one of the biggest projects that the Tollway Authority has ever done. It has opportunities for McHenry County from the stand point of the Rte 47 interchange as this project will cut travel time down for our residents. He said they are looking for comments so if you have any you can go onto their website. In addition, this Friday at 7 p.m. in Huntley there is going to be a public meeting in regards to this subject. He encouraged board members to attend. Also on Friday, everyone should have received a memo from Mr. Korpalski outlining some of the discussions that have gone on as to what these improvements are going to be on I-90. That is still ongoing and everyone is invited to attend this meeting in Elgin he believes at the Civic Center. If anyone wishes to attend let him or Mr. Korpalski know and they will get the exact location and time.

APPROVED: 9.06.2011

Chairman Koehler said next is the Superintendent of Schools appointment issue. He reminded the board that eleven candidates applied for the position; out of those there were four that were qualified; interviews were done with a panel of three and it was asked if they would be willing to work without pay. The Chairman said any of the people remaining would have made an excellent Superintendent however one candidate didn't meet the requirement of being a Republican (because they are replacing a Republican elected official); another candidate didn't meet the requirement of having two years of the last four in some sort of educational position (she was having a family and was off of work); and the last candidate needed to have an income but he was willing to take on the position and also work his regular job which is a school principal in another county. The Chairman thought because he was working outside of the county this might work, however the state informed us that the Superintendent of Schools may not have other employment anywhere while holding the position. Chairman Koehler said as yet he has not contacted the state on how we're supposed to fill a position that doesn't have any pay and not being able to find candidates who have all of the requirements set by the state for this position. The Chairman said we have one last opportunity to try doing something by maybe using a retired individual, that avenue will be pursued within the next couple of weeks. Lastly, Chairman Koehler said you might have seen in the news that the county lost their appellate decision in regards to the special prosecutor's pay. That's only a half truth; it's a procedural issue that was lost and the county will continue to take this forward; there is no additional cost to the county to be able to pursue this and the object is to get it in the right format to have the Appellate Court actually render an opinion about what we were asking. They could only render an opinion on the fact that we procedurally go the way they expected the process to take place. Chairman Koehler said he and Mr. Austin have a meeting on Friday with Mr. Colburn our Appellate Prosecutor to determine exactly what the next steps will be. The Chairman said the county is not planning on paying these people until we get a court order that is based on the law. He will keep the board posted on this issue.

SPECIAL RECOGNITION/REPORT

7.1, Proclamation to recognize Dave Brandt for his dedicated public service to Stormwater Management in McHenry County

Ms. Hill made a motion seconded by Mr. Heisler to approve the above-named Proclamation.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed.

Chairman Koehler asked Mr. Brandt to come forward and presented him with a plaque from the County in recognition of his years of service.

Artwork – Ms. Hill

Ms. Hill said three generations of the Grabow family have provided artwork to the county to be displayed. Ms. Hill thanked both gentlemen for bringing forth their artwork and explaining the paintings they have done. Chairman Koehler commented that the painting of Lincoln was one of the finest he's ever seen.

SPECIAL PRESENTATIONS

8.1 UDO Technical Review Report – Camiros Ltd.

Ms. Hill commented that the open house seemed to go well noting that there were several people from the municipal level and planners who came. She said there will be one more Planning & Development Committee meeting now that we've received public input on this. It will be on September 1st at which time some overview will be done and Camiros will be given some more direction based on public comment and comments that committee members have heard.

Mr. Sandquist came forward and introduced consultants from Camiros who is the firm working on the recommendations for the UDO. A Technical Review Memorandum was handed out to board members, a copy of which is in the board file as well as a summary of their findings. Mr. Sandquist said earlier this evening an open house was held for interested stake holders and members of the public to review and comment on the recommendations of the consultant, there were about 30 people who attended and some have remained to hear the presentation this evening. At an earlier time the consultants reviewed their Technical Review Memorandum with the P&D Committee and the ZBA over the course of four meetings with some of the comments and results included in the memo. Mr. Sandquist said they would like to have a joint P&D/ZBA meeting for one last review of this before the consultants are let go to start drafting the text of the ordinance.

Ms. Arista Strungys of Camiros came forward and went over the hand out on the Technical Review Memorandum which summarizes the major comments and concerns of the P&D Committee and the ZBA. Listed below is the summary provided by Camiros on their recommendations for the UDO.

Planning & Development Committee

Conditional Uses

- The UDO needs to minimize the number of conditional uses within the ordinance
- Those standards that are typically applied to common conditional uses as part of approval should be incorporated into the ordinance
- The UDO must make the differences between a grandfathered use and an illegal use clear
- The Technical Review Memorandum proposes a sunset clause for conditional uses. With such a sunset clause, the UDO must be clear how this applies to conditional uses approved prior to the adoption of the new ordinance. One option is to amortize existing conditional use approvals that have not been acted upon and have exceeded the sunset clause timeframes with a revocation sent by a general notice.

Agricultural Issues

- Agriculture needs to be clearly defined and in line with state regulations, as proposed in the Technical Review Memorandum. This will need to include a definition of agriculture-exempt structures and how those buildings are regulated within the A-1 and A-2 District.
- When evaluating the uses allowed in agricultural areas, the impacts of parking and vehicle storage should be considered as a factor in whether the use is permitted, conditional or prohibited.

New Zoning Districts

- The county may have a need for an Equine Estate District, similar to ones in communities like Barrington Hills, or should review the types and extent of equine uses allowed in the Estate Districts
- There is a caution regarding the creation of more districts that can potentially break up the agricultural areas, such as the proposed R-MU District and the above equine district

Subdivision Standards

- Countywide roadway standards are desirable and new roads should be built to County standards. The County should work with Township Highway Commissioners to create a single set of roadway standards. However, with new standards in place, the subdivision regulations will need to address existing private roads.
- Common open space, managed by the homeowner's association or another qualified agency, should be required for all subdivisions

New Development

- New development should include an "assured supply of water" standard as part of the approval standards
- Development should occur contiguous to municipalities. Zoning principles, in addition to the zoning amendment standards, should be added to districts to ensure that they are approved in the most appropriate areas

Zoning Board of Appeals

Conditional Uses

Currently, approved conditional uses are typically valid for 10 or 20 years, which is a relatively unique provision within zoning. There are two approaches to this issue:

1. If maintained, the UDO should clearly state that conditional uses are valid for 10 years, unless this timeframe is modified by the County Board
2. This expiration date can be eliminated. In most communities, conditional uses remain valid as long as the use is active and complies with all standards of the ordinance and conditions imposed as part of approval

Zoning Map Correction Process

- As described in the Technical Review Memorandum, the addition of a simple map correction process would be beneficial for the County. This process should require notification of the property owner that such a correction is being processed
- Elimination of the annual re-certification of the Zoning Map will also make administration of the ordinance and map easier. However, an annual report from staff that catalogues zoning changes over the year should be implemented administratively (i.e. not a requirement within the ordinance).

Zoning Interpretations

- A formal process for zoning interpretations was considered beneficial, though the ZBA cautioned about the amount of responsibility concentrated in the Code Enforcement Officer's position for this process and the amount of time such applications may take

Environmental Performance Standards

- Lighting and sound performance standards are needed. As recommended in the Technical Review Memorandum, environmental performance standards should be drafted for the UDO. In particular, controls are needed for lighting and noise/sound

New Districts

- Zoning principles, in addition to the zoning approval standards should be added to districts in order to ensure that they are approved in the most appropriate areas. These criteria would supplement the zoning standards of the amendment process. For example, one standard proposed was that the R-MU district should not be allowed in aquifer recharge areas. In another example, similar to the comments of the Planning and Development committee, commercial districts should be mapped contiguous to incorporated areas
- Evaluation of the R-MU Rural Mixed-Use district should be undertaken when the district is drafted in order to assess if the correct types of uses have been allowed and that the district serves its proposed purpose
- Landscaping businesses should be conditional uses within the R-MU District
- The open space district should allow for active recreation. There may be a need to distinguish open spaces between those that allow active recreation and those that preserve natural areas

Agricultural Issues

The A-2 District needs to be refined to meet its original purpose:

1. Allow farmers to divide their farmhouse from the farmland, or
2. Allow new homesteads for family members who work on the family farm

Subdivision Standards

- Subdivision standards should address the shape of new lots, to encourage regular lots
- Connectivity between subdivisions is key. Sidewalks are also necessary
- Conservation design needs stricter controls to achieve its purpose

Commercial Districts

- Commercial uses should be located contiguous to incorporated municipalities
- The ZBA has questioned the recommendation that the B-1 and B-3 Districts be combined, as the current zoning has been working. Some B-3 District areas are almost industrial in nature

Ms. Strungys asked if there were any questions from the board. Ms. Hill said if there are any major questions please ask them, otherwise after seeing this and having a September 1st meeting scheduled, she asked if there are comments or easy questions to come to the meeting or give your feedback to her before the meeting to share with the committee.

Ms. Kurtz said her big issue is the concept of compact and contiguous. She noticed that was not mentioned in the Technical Memorandum that she saw. Secondly, she said she would like to have some discussion or understanding about how the conditional use process would address compact and contiguous, her concern being the issue that we continue to see is spot development.

Noting no other questions, Chairman Koehler thanked Ms. Strungys and members from Camiros for coming in today.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition. Ms. McCann asked to remove #10-30.

Ms. Hill made a motion seconded by Ms. Donner to approve the following Petitions:
Exb #11-17; Grafton Twp; Jensen Trust; recall of A1-A1C
Exb #11-30; Chemung Twp; Phillip/Diana/Eric Bird; reclass A1-A2

Chairman Koehler asked for any discussion, noting none he asked for a roll call vote. The following members responded aye: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke and Koehler. Absent: Breeden. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the ZBA Consent Agenda with one item removed has passed.

Ms. Hill made a motion seconded by Ms. Donner to approve the following Petition:
Exb #10-30; Hartland Twp; Ronald/Rhonda Lenzi; reclass A1-A1C

Chairman Koehler asked for any discussion. Ms. McCann stated this one has been going on for a long time. Part of the request is to allow a sign in conjunction with this business. She was disheartened to see the sign go up prior to the hearing on this.

Ms. McCann made a **motion** seconded by Ms. Schuster **to amend Condition #10 to add the wording “shall not be a lighted sign.”**

Chairman Koehler asked for any discussion on the motion to amend. Several board members were against this amendment. Mr. Donley said he didn't believe we had the language in our ordinance at this time to deny this. Mr. Provenzano said wanting to go in a certain direction for dark sky adherence is one thing but that is very different from creating a Dark Sky Ordinance. He pointed out that there is nothing in the Dark Sky Standards in the Dark Sky Association that says you can't have lighted signs. Ms. McCann said she believes not having a lighted sign would not affect the petitioner's business because their hours of operation are until 5 p.m. or 3 p.m. on Sunday.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend Condition #10, the nays having it, the Chairman declared the motion **to amend Condition #10 to add the wording “shall not be a lighted sign” has failed.**

Chairman Koehler asked for any further discussion on the motion to approve Petition #10-30.

Ms. Evertsen said she commends the petitioners for their entrepreneurial spirit however she doesn't see how a landscaping business is something that the public can't do without and feels this property should be zoned for business not asking for a conditional use permit. Several times in the appeal process it stated what retail sales they want to have with this business and how they intend to build their business over time. Ms. Hill pointed out this use is as a nursery not a landscaping business and has been in use for many years. The request is for the storage of commercial vehicles inside and it was unanimously approved by the ZBA. Ms. Schuster agreed with Ms. Evertsen's comments and added that we are zoning businesses under the guise of conditional use permits and she believes that we have the right as the County Board to deny a petition. This is a privilege and we are not required to provide this type of relief for the petitioner. As to the nursery issue, a few trees were planted on this corner parcel to make it look like a nursery, that doesn't make it a nursery, it's a business; she believes there is a nursery next door. She is against this and will continue to vote against this type of request in the rural areas.

Noting no further discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless, Donley, Donner, Draffkorn, Hill, Jung, McCann, Merkel, Miller, Munaretto, Peschke and Koehler. Nay: Schuster, Evertsen, Hammerand, Heisler, Kurtz and Nowak. The vote being seventeen (17) ayes and six (6) nays noting one (1) absent, the Chairman declared the **motion to approve Petition #10-30 has passed.**

ZBA REGULAR AGENDA

None

PLATS

None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment. The following people spoke:

Patty Boyd of McHenry	regarding/for	wage increase for county employees
Valerie Ebel of Union	regarding/for	wage increase for county employees
Patte Smith of Wonder Lake	regarding/for	wage increase for county employees
Theresa Pigoni of Woodstock	regarding/for	wage increase for county employees

Noting no others wishing to speak, Chairman Koehler closed public comment.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Provenzano made a motion seconded by Ms. Donner to approve the following Appointments:

McHenry County Emergency Telephone System Board	
Charles Amati Woodstock Police Department	term to expire 11/30/2013
McHenry County Housing Authority	
Daniel A. Bell	term to expire 06/01/2016

Chairman Koehler asked for a roll call vote. The following members responded aye: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke and Koehler. Absent: Breedon. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the above-named Appointments has passed.

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. There was none.

Mr. Donley made a motion seconded by Ms. Evertsen to approve the Routine Consent Agenda as presented.

Chairman Koehler asked for a roll call vote. The following members responded aye: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke and Koehler. Absent: Breedon. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the Routine Consent Agenda has passed.

Mr. Hammerand commented that the board received a Chapman & Cutler report because of a question he asked whether the county was financially responsible for anything for offering the QECB Volume Cap to School District 158. Chapman & Cutler assured us by provided a letter stating that the county has no financial liability, the county is just giving an allocation to the School District that the actual issuance of the bonds and the fiduciary responsibility of the bonds go with the School District.

ORDINANCES

None

ADMINISTRATOR'S REPORT

Mr. Austin thanked everyone for coming to the COW meeting before the board meeting this evening. He said if there are any questions to please give him or Mr. Sarbaugh a call. Also, the meeting of the Township Assessors will be August 31st at 9 a.m. in Conference Room A, he encouraged board members to attend if they can. If not and you have questions, please send him or Mr. Ross an e-mail so that the questions can be answered.

Mr. Austin said to those members on the Transportation Committee their budget packets are here and available for pick up this evening.

Mr. Austin said the MCEDC investors group is hosting Rep Manzullo Thursday morning at 8 a.m. at the Shaw Center. This is an invitation only meeting but board members are invited.

Mr. Austin said he is excited about the next step in the NIU Fiber Study that we did in conjunction with the COG and the EDC. They have set September 21st as a target date for the inception of a new task force to talk about where we

are going next. Invitations will be sent out next week to municipal, business, hospital, and school representatives to try and get this going. They will be talking about how they can look for federal funding and also to demonstrate how we can afford this investment on our own through some of the dollars we are already spending on internet. Mr. Austin said some people may have seen that the rain garden has been started in front of the Admin Building using grant money and is coming along nicely. Lastly Mr. Austin wished Ms. Draffkorn a happy birthday.

Chairman Koehler commented in regard to the assessment meeting, he thinks it is imperative that all of the board members try to attend this meeting. We need to make it clear to the assessors that we expect them to do their job and do it in a fair way because it is the only way that it's going to actually be a balanced form of equally assessing people for their taxes. The Chairman pointed out that after this meeting with the assessors, the plan is to come back and do an Assessment 101 class.

MEMBERS' COMMENTS

Ms. Miller asked Mr. Austin regarding the August 31st meeting if it was the intent of Mr. Ross and the assessors to sit down and rehash what happened or are they going to be moving forward discussing how we could more equitably address the issue from a countywide perspective. Chairman Koehler said the intent is to move forward. Mr. Austin added that Mr. Ross meets with the assessors 3-4 times a year so the timing is good because they are due for a meeting and there are many things to talk about.

Ms. Salgado thanked Mr. Merkel for his comments regarding our servicemen. She saw a little program on the memorial that is being put together on the opening of the September 11th Memorial that is coming up. She invited board members to a surprise welcome back party for a friend of hers, John DeCicco, who has just returned from Afghanistan. The party is this Friday at 5 p.m. at Veterans Park in McHenry. Please share this invite with your friends, as people very often ask how they can support their troops, and this is a very easy thing to do.

Ms. Donner said August 14th was VJ Day, the day that the war in Japan ended, WWII was done. On Saturday night she was at Veterans Park for their event and those 44 gentlemen said who they were and what branch of the military they served in. It was a wonderful event to be a part of. Lastly, she on September 11th, Grand Funk Railroad is going to be playing at the Harley Davidson Plaza in Woodstock as a fundraiser for the Honor Flight Program. Tickets are \$30 each and she hopes that people will attend.

EXECUTIVE SESSION

None

ADJOURNMENT

Ms. Miller made a motion seconded by Ms. Hill to adjourn at 8:45 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6th day of September, A.D., 2011.

s/ Kenneth D Koehler
Kenneth D. Koehler, Chairman
McHenry County Board

ATTEST:

s/ Katherine C Schultz
Katherine C. Schultz, County Clerk

APPROVED: 9.06.2011