

**MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JANUARY 17, 2006**

Chairman of the Board – Kenneth Koehler (District 2)

District 1 Donald R. Brewer Marc Munaretto Anna May Miller Dan Shea	District 2 Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	District 3 Ed Dvorak Ann Kate Nick Provenzano Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 John Jung Jr. Perry Moy Virginia Peschke Tina Hill	District 6 Ann Gilman Richard Klasen Don Larson Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, January 17, 2006.

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 C. Schultz with Members of the Board, department heads and visitors participating. Ms. Draffkorn gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. Chairman Koehler declared a quorum present with twenty-four (24) members responding.

MINUTES

Mr. Klasen made a motion seconded by Ms. Miller to approve County Board Regular Session minutes from December 20th, 2005 and January 3rd, 2006.

Chairman Koehler asked for any changes or corrections, there were none.

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

CHAIRMAN'S REMARKS

Chairman Koehler told the board that he was elected to be the Vice Chairman of the CATS Policy Committee last week. Also, in regard to transportation, in the last 5-6 days he has been traveling with Senator Althoff and visited with IDOT at Division 1 about the different transportation issues that we have in McHenry County. Today they had a face to face meeting with Secretary Martin along with people from the EDC and several communities within the County to impress upon him that as we move forward we hope we see the deserved funding from the State of Illinois to McHenry County.

SPECIAL RECOGNITION

Mr. Dvorak made a motion seconded by Mr. Larson to approve the following Eagle Scout Resolution:

Greggory Rice of Troop #157 Crystal Lake

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

Chairman Koehler asked Greggory to come forward and presented him with a Certificate on behalf of the McHenry County Board.

ZBA CONSENT AGENDA

Ms. Gilman asked if anyone wished to remove a Petition. Ms. Kate asked to remove Petition #05-120.

Ms. Gilman made a motion seconded by Mr. Munaretto to approve the following Petitions:

- Exb. #05-108; Algonquin Twp; Anderson; reclass of A1 to B3C
- Exb. #05-112; Coral Twp; Pace; reclass of A1 to A1V
- Exb. #05-113; McHenry Twp; Lester; reclass of R1 to R1V
- Exb. #05-115; Grafton Twp; Rogers/Albertha Susanke Tr; reclass of A1 to A2
- Exb. #05-131; McHenry Twp; Manny; reclass of R1 to R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. The vote being twenty-four (24) aye votes, Chairman Koehler declared the motion passed.

Ms. Gilman made a motion seconded by Mr. Munaretto to approve the following Petition:

- Exb. #05-120; Nunda Twp; Isotero; reclass of R1 to R1V

Chairman Koehler asked for any discussion. Ms. Kate said she doesn't have a problem approving this, however, there are four parts to this; three of them were approved and one was not. She said this gentleman wants to add on to an existing garage and she thinks you need to look at the location of this and the area around it. The shed was on the property when he bought it two years ago and the Petitioner has put out a great deal of money to get this permitted because the previous owner never got a permit. This petitioner would like to keep his lot in good shape by putting his boat and some of his equipment in this addition to the garage.

Ms. Kate made a **motion to amend** seconded by Mr. Brewer to approve the whole petition rather than just part of it. Ms. Ehardt referred to the second "Whereas" in the Ordinance and read it as the language to be used in the "Now Therefore be it Ordained" paragraph.

Chairman Koehler asked for any discussion on the motion to amend. Mr. Brewer asked if all of this additional construction will fit within the Stormwater Ordinance. Ms. Ehardt said unless this exceeds 5,000 square feet of addition or 5,000 square feet of hydrologic disturbance it will be exempt from stormwater. Ms. Kate said currently there is pavement in the area where he wants to place this addition.

Chairman Koehler asked for a voice vote on the motion to amend, the ayes having it, the **motion to amend Petition #05-120 has passed.**

Chairman Koehler asked for a roll call vote on the main motion to approve Petition #05-120. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. The vote being twenty-four (24) aye votes, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Chairman Koehler told the board that Exb. #05-90 was requested to be removed from the agenda for this evening.

Ms. Gilman stated that Exb. #05-83 was recommended for Denial from the ZBA.
Ms. Gilman made a **motion** seconded by Ms. Peschke to **DENY** the following Petition:

Exb. #05-83; Hebron Twp; Chissus/Repke/Schneider; reclass of A1 to E2

Chairman Koehler asked for any discussion on the motion to deny this petition. Several board members were against denying this petition. It was noted that a formal objection was filed by Hebron Township and the objection that was filed by Greenwood Township has been revoked.

Chairman Koehler asked for a roll call vote. He noted that an aye vote was to deny the petition. The following members responded aye: Hammerand, Heisler, Jung, Peschke, Salgado, Draffkorn and Gilman. Nay votes: Hill, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Shea, Wheeler, Zierer, Brewer, Chmiel, Dvorak and Koehler. The vote being seven (7) aye votes and seventeen (17) nay votes, Chairman Koehler declared the motion to deny has failed.

Because the denial failed, Ms. Gilman made a **motion** seconded by Mr. Brewer to **approve**

Exb. #05-83; Hebron Twp; Chissus/Repke/Schneider; reclass of A1 to E2

Chairman Koehler told the board that to approve this petition there would need to be a $\frac{3}{4}$ vote because there was a formal objection filed by Hebron Township. Chairman Koehler said there is some question whether this has been filed properly but it is not our call to follow up on that. If the petitioner should lose this they have the opportunity to follow up on this to find out for sure if this is filed accurately. If Hebron Twp has not followed the proper procedure, the petitioner can challenge them in a court of law and a judge will decide. Some board members were concerned that the county would be involved in any lawsuit that could be filed. Dave Stone of the State's Attorney's office said that our ordinance does not have specification as to how you authenticate the objection. Traditionally, the county has accepted objections signed by attorneys for municipalities and individuals so the issue is the question raised by the petitioner is whether the attorney had authority from the township to file the objection or whether or not there was authority given without a proper meeting. Those are issues that our ordinance does not have a procedure to address. Chairman Koehler said we will be allowing the $\frac{3}{4}$ vote objection to be allowed on the advice of the State's Attorney's office.

Ms. Gilman made a **motion to postpone** voting on this until February 21st seconded by Mr. Heisler.

Mr. Stone noted that our ordinance reads that an objection must be filed within 30 days of the voting date by the ZBA, so if we put this over for a month, he asked if a procedure would be established whether the objection is valid or not. There was discussion about the validity of the objection and whether we should be voting or not.

Chairman Koehler asked for a **roll call vote on the motion to postpone**. The following members responded aye: Hammerand, Heisler, Peschke, Draffkorn and Gilman. Nay votes: Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Dvorak and Koehler. The vote being five (5) ayes and nineteen (19) nay votes the **motion to postpone has been denied**.

Chairman Koehler asked for any other discussion on the main motion, which is to approve Petition #05-83.

Noting no other discussion, Chairman Koehler asked for a roll call vote noting that a ¾ yes vote (18 ayes) is necessary to pass this petition. The following members responded aye: Hill, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Shea, Wheeler, Zierer, Brewer, Chmiel, Dvorak and Koehler. Nay votes: Hammerand, Heisler, Jung, Peschke, Salgado, Draffkorn and Gilman. The vote being seventeen (17) ayes and seven (7) nay votes Chairman Koehler declared the **motion denied** as the aye vote did not meet the ¾ required.

Ms. Gilman asked for a motion from the floor as there was no recommendation from the ZBA on the variation and the conditional use was withdrawn.

Ms. Miller made a motion seconded by Mr. Brewer to approve the following Petition:

Exb. #05-103; Alden Twp; Vogel; reclass E3 to E3CV; C.U. – Withdrawn

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Provenzano, Salgado, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. Nay votes: Heisler and Peshcke. Absent: Zierer. The vote being twenty-one (21) ayes and two (2) nay votes, noting one (1) absent, Chairman Koehler declared the motion passed.

PUBLIC PARTICIPATION

Chairman Koehler explained the rules of public participation. The following people spoke:

Richard Schmid of Woodstock	regarding removal of construction debris
Robert Abboud-Pres of Barrington Hills	against Barrington Farms
Michael Walkup of Crystal Lake	regarding the 2020 Plan
Stacy Iwanicki of Wonder Lake	against TNR program
Cindy Gaffney of Marengo	for TNR program
Jackie Smith of Prairie Grove	for TNR program

Noting no other persons wishing to speak, Chairman Koehler closed this part of the meeting.

NEW AND UNFINISHED BUSINESS

McHenry County Art Program –

Ms. Gilman talked about the McHenry County Art Program and the artwork that has been hung in the building as well as the pieces that are in the board room today. She introduced Sue Stelford and Peter Benkendorf, Art Coordinators for the program. Ms. Stelford came forward to describe the artwork in the board room today and about what has been donated and purchased. Ms. Gilman noted that all of the artists are from McHenry County.

2020 Unified Land Use Plan – Discussion –

Ms. Gilman updated the board about this plan. She said there were many board members at the committee meeting last week and there was good discussion about the plan. She said there are not many differences in the Planning Commission plan and the staff plan, they build from one another. Ms. Gilman said she noted that there needed to be a better balance between AG protection and commercial and economic development. The staff plan had a better take on the balance of bringing in the commercial and economic development and making it more on a level with AG preservation. The language that the staff had on commercial and industrial and mixed use definitions were brought into the plan commissions plan by the committee. Ms. Gilman said the two documents were gone through page by page to compare their contents and changes were made to combine the two. The major problem is that the map does not reflect the language of the text. At the Planning & Development Committee meeting this Thursday they will be voting to finalize the changes that were made by consensus and this will be in writing and they will give

direction to the staff on how the map should look. Ms. Ehardt has said that if she gets direction from the committee on Thursday, they could have the maps prepared in advance of the voting meeting for review. Ms. Gilman said the plan is to address the issues that were brought up and get the mapping done. With mapping that is more current and reflects what is already there in the county and that reflects the text she believes that they will have a plan that the County Board can support.

Chairman Koehler asked for any discussion. Ms. Peschke said she would have liked to see a summary of the changes tonight rather than at the meeting where they want to finalize changes. It was asked if the Baxter Woodman groundwater study is going to be a part of the 2020 plan and the maps. Ms. Gilman said that is still in discussion and the groundwater study is referenced in the plan but we don't have a groundwater protection ordinance yet. The next plan will definitely be including groundwater but it's too late for this one. There is a stormwater ordinance which has a lot of protection.

Chairman Koehler said anyone that is interested in hearing more about this can attend Thursday morning's meeting at 8:15 a.m. Ms. Gilman said not only will they be discussing the finalization of the plan and the map, they will also have a discussion on the ultimate make up of the McHenry County Plan Commission and what that plan might be along with a timeline.

APPOINTMENTS

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if any one wished to remove an item from the agenda. Ms. Draffkorn asked to remove item #14.2 B(7). Chairman Koehler noted that item #14.2 B(9) has been pulled from the agenda for this meeting.

Mr. Shea made a motion seconded by Mr. Dvorak to approve the Routine Consent Agenda with noted items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. The vote being twenty-four (24) aye votes, Chairman Koehler declared the motion passed.

14.2 B(7) Resolution authorizing a three year laptop computer lease and emergency appropriations in the fiscal year 2006 non-departmental budget.

Mr. Munaretto made a motion seconded by Mr. Moy to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Draffkorn asked where the money was coming from. She would also like to see the purging of names off of the voter list who have moved from or died in the county. Mr. Munaretto responded that the funds are coming in part from a grant that was made to McHenry County from the State of Illinois.

Chairman Koehler asked for a roll call vote. The following members responded aye: Hammerand, Heisler, Hill, Jung, Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Provenzano, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman and Koehler. The vote being twenty-four (24) aye votes, Chairman Koehler declared the motion passed.

ORDINANCES

For Review:

Ordinance establishing a minimum fine for violation of open burning regulations.

For Action:

- 15.2 A Ordinance setting a fee schedule for McHenry County Subdivision Review
- 15.2 B Ordinance amending the fee schedule for petitions before the McHenry County ZBA
- 15.2 C Ordinance adopting the schedule of fees to cover the costs of inspections and licensing of motels
- 15.2 D Ordinance amending the schedule of fees to cover costs of providing building permits, inspections and code books

Ms. Gilman made a motion seconded by Ms. Orphal to approve the four (4) above-named ordinances. Chairman Koehler asked for a voice vote, the ayes having it, the motion has passed.

- 15.2 E Ordinance to amend Article IV (food service) of the McHenry County Public Health Ordinance

Ms. Peschke made a motion seconded by Mr. Klasen to approve the above-named ordinance 15.2 E.

Chairman Koehler asked for any discussion. Mr. Munaretto asked Mr. McNulty why the ordinances contain a line that provides projected revenues. He doesn't think that it is appropriate to do that within the body of the ordinance. Mr. McNulty said they would take that out as well as the lined out materials, this was just to give information.

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

- 15.2 F Ordinance to amend Article X (sewage treatment and disposal fees) of the McHenry County Public Health Ordinance

Ms. Wheeler made a motion seconded by Ms. Miller to approve the above-named ordinance 15.2 F.

Chairman Koehler asked for any discussion. Mr. Munaretto said that he has had many conversations with people over the last year who have had a difficult time getting their reviews and approvals done in a timely fashion without the added burden that sometimes comes with this complicated part of the review.

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

- 15.2 G Ordinance to reauthorize the amendment to Article XVII (**TNR program for feral cats**) of the McHenry County Public Health Ordinance (waiver of 30 day review requested)

Ms. Peschke made a motion seconded by Ms. Salgado to approve the above-named ordinance 15.2 G

Chairman Koehler asked for any discussion. There was discussion about this program and the releasing the cats back to the wild after neutering was a large issue. Some board members would rather have a program, TNA which stands for Trap, Neuter and Adopt. Mr. Brewer said he is in support of the ordinance but is against waiving the 30 day review.

Mr. Brewer made a **motion** seconded by Ms. Gilman **to put this ordinance on 30 day review**.

Chairman Koehler asked for any discussion on the motion to put this on review. Some board members felt that the review should be waived because this has been on the books for 18 months already and the public has been aware of what is going on.

Chairman Koehler asked for a voice vote, the nays having it, the **motion has been denied**.

Chairman Koehler asked for discussion on the main motion. There was extensive discussion on the pros and cons to this program. There were a few board members who were adamant about discontinuing this program and expressed their views. It was also noted that there were never any reports given to board members on the statistics on how the program has gone over the last 18 months. Mr. McNulty indicated that the Board of Health has received reports on this program and has them available to anyone wishing to review them. It was asked what happens to the colonies if this does not pass. Mr. McNulty said this ordinance legitimizes the program and allows for the ownership issue; he added that typically feral cats are put down. It was not a huge number but there were some. He feels that people will still continue the program whether the ordinance is passed or not. Animal Control would continue to respond to complaints that are received. Ms. Zierer asked to call the question and get a vote on this.

Chairman Koehler asked for a roll call vote. The following members responded aye: Heisler, Kate, Klasen, Larson, Miller, Moy, Orphal, Peschke, Salgado, Shea, Zierer, Chmiel, Draffkorn, Dvorak and Koehler. Nay votes: Hammerand, Hill, Jung, Merkel, Munaretto, Provenzano, Wheeler, Brewer and Gilman. The vote being fifteen (15) aye votes and nine (9) nay votes, Chairman Koehler declared the motion to approve the TNR Program - amendment to Article XVII has been approved waiving the 30 day review.

ADMINISTRATOR'S REPORT

Mr. Austin told the board that Thursday morning he will be meeting with Chairman Koehler, Ralph Sarbaugh and John Labaj to start laying out the strategic planning exercises that the board does annually.

EXECUTIVE SESSION

None

MEMBER'S COMMENTS

Ms. Peschke said it was suggested that some members of the board go to the land use seminar in Arlington Heights on the 25th. When she signed up for it she noted that there are some very interesting topics. Chairman Koehler asked that she e-mail the information to Mr. Austin and he will in turn get the information out to board members.

Ms. Zierer said on January 26th Valley Hi is having a Hawaiian Luau for the residents from 1:30 to 3:00 p.m. All are welcome to attend "in costume"!

Ms. Kate asked where we are on the Auditor replacement. Chairman Koehler responded that tomorrow is the last day for applications. After that a committee will conduct interviews.

Mr. Moy commented that January 29th is the beginning of Chinese New Year, Year 4074, and this year it is the year of the dog.

McHenry County Board Regular Session
Tuesday January 17, 2006
Page: 8

ADJOURNMENT

Ms. Miller made a motion seconded by Mr. Heisler to adjourn at 9:25 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 7th day of February, A.D., 2006.

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

ATTEST:

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