

**MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
MARCH 23, 2006**

Chairman of the Board – Kenneth D. 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 Thursday, March 23, 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. Kate gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. Chairman Koehler declared a quorum present with twenty-two (22) members responding.

MINUTES

Mr. Klasen made a motion seconded by Ms. Miller to approve minutes from March 7, 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 public that we normally go into executive session at the end of the meeting so that people aren't waiting a long time to see what is going on. Today, however the board has a legal issue that has come up and will need to go into executive session midway through the meeting. Rather than have such a large crowd leave the room, the board members will leave the room to take care of this, trying not to inconvenience the public as much as possible. Chairman Koehler asked the board to keep Mr. Heisler and his family in their prayers as his wife is very ill. He also noted that he was in Washington last week representing the county along with Mr. Korpalski and Mr. Austin. He felt good about this trip and he thought McHenry County would be seeing some rewards from this trip.

SPECIAL RECOGNITION

Mr. Larson made a motion seconded by Mr. Shea to approve the following Eagle Scout resolution:

Gavin Alexander Warmbold	Troop #163 in Marengo
Ryan Wascher	Troop #167 in Huntley

Chairman Koehler asked for a voice vote, the ayes having it, the motion is passed.
Chairman Koehler asked Gavin to come forward to congratulate him on behalf of the board.
Gavin described the project he did to receive his Eagle Scout award.

ZONING BOARD OF APPEALS

Chairman Koehler asked if any one wished to remove any of the Petitions, there were none.

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

- Exb. #05-46; Richmond Twp; Rare Earth, Ltd.; reclass of A1 to E1
- Exb. #05-126; Nunda Twp; Morrisroe reclass of E1 to E1V
- Exb. #05-134; Riley Twp; Harmony Real Estate Dev; reclass of A1 to E1
- Exb. #05-138; Coral Twp; Ruth Inv LP/Amcore Inv Grp; reclass of A1 to E3
- Exb. #06-10; Nunda Twp; Ritacco; reclass of E1 to E1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Gilman made a **motion** seconded by Mr. Klasen **to DENY** the following Petition as recommended by the ZBA:

- Exb. #05-94; Coral Twp; Deer Point Homes; reclass of A1 to E1

Ms. Gilman said she felt this could be the development that breaks the back of the Riley Twp school district.

Mr. Brewer made a **motion to amend the motion to approve** Petition #05-94, seconded by Ms. Chmiel.

Ms. Gilman called a point of order. Chairman Koehler said it is within the rules to make this amendment if there is a second to the motion.

Chairman Koehler asked for any discussion. Board members spoke in favor of and against the amendment.

Chairman Koehler asked for a roll call vote on the **motion to amend to approve Petition #05-94**. Chairman Koehler said a yes vote will be to deny the denial of this petition.

The following members responded aye: Kate, Merkel, Miller, Moy, Munaretto, Orphal, Shea, Wheeler, Zierer, Brewer, Chmiel, Dvorak, Hill and Koehler. Nay: Klasen, Larson, Peschke, Salgado, Draffkorn, Gilman, Hammerand and Jung. Absent: Provenzano and Heisler. The vote being fourteen (14) aye votes and eight (8) nay votes, noting two (2) absent, Chairman Koehler declared the **motion to amend has passed**.

Chairman Koehler asked for any discussion on the main motion, noting none, he asked for a roll call vote. A yes vote will approve Petition #05-94.

The following members responded aye: Kate, Merkel, Miller, Moy, Munaretto, Orphal, Shea, Wheeler, Zierer, Brewer, Chmiel, Dvorak, Hill and Koehler. Nay: Klasen, Larson, Peschke, Salgado, Draffkorn, Gilman, Hammerand and Jung. Absent: Provenzano and Heisler. The vote being fourteen (14) aye votes and eight (8) nay votes, noting two (2) absent, Chairman Koehler declared the **motion to approve Petition #05-94 has passed**.

Ms. Gilman made a motion seconded by Ms. Salgado approve the ZBA recommendations on the following petition:

Petition #05-122; McHenry Twp; John G. Demar; reclass R1 to R1V; recommend denial of Acc. Land Coverage and recommend approval of height/shed in front yard

Chairman Koehler asked for any discussion.

Mr. Brewer made a **motion to separate the two recommendations** on this petition seconded by Ms. Draffkorn.

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

Ms. Gilman said she would make the motions but it is very clear there are two garages, the smaller one and then the larger one that he's asking for 1,523 sq feet but the allowable maximum in his zoning district is 1,309 sq ft.

Ms. Gilman made a **motion** seconded by Ms. Salgado **to deny the Acc. Land Coverage** portion of Petition #05-122.

Mr. Hammerand made a **motion to amend to approve the Acc. Land Coverage** seconded by Mr. Klasen.

Chairman Koehler asked for any discussion on the amendment. Mr. Hammerand said he spoke to the petitioner and that there are no objections from neighbors on this. Mr. Brewer added that a 20 x 20 garage is not a big garage.

Chairman Koehler said a yes vote is to approve the Acc. Land Coverage and a no vote is to deny.

Chairman Koehler asked for a roll call vote. The following members responded aye: Klasen, Merkel, Miller, Moy, Orphal, Brewer, Draffkorn and Hammerand. Nay: Kate, Larson, Munaretto, Peschke, Salgado, Shea, Wheeler, Zierer, Chmiel, Dvorak, Gilman, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being eight (8) aye votes and fourteen (14) nay votes, noting two (2) absent, Chairman Koehler declared the **motion to amend to approve the Acc. Land Coverage has been denied.**

Chairman Koehler asked for any discussion on the motion to deny the Acc. Land Coverage. Noting none, Chairman Koehler asked for a roll call vote noting a yes vote is to deny the request. The following members responded aye: Kate, Larson, Merkel, Munaretto, Peschke, Salgado, Shea, Wheeler, Zierer, Chmiel, Dvorak, Gilman, Hill, Jung and Koehler. Nay: Klasen, Miller, Moy, Orphal, Brewer, Draffkorn and Hammerand. The vote being fifteen (15) aye votes and seven (7) nay votes, noting two (2) absent, Chairman Koehler declared the **motion to deny the Acc. Land Coverage has been denied.**

Ms. Gilman made a **motion** seconded by Mr. Shea **to approve the height variation of the shed in the front yard** for Petition #05-122.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) ayes votes noting two (2) absent, Chairman Koehler declared the **motion to approve the height variation of the shed has passed.**

Chairman Koehler noted that an objection was filed by Nunda Twp however they did not follow through with the certified mailing receipts, therefore the super majority vote will not be necessary. Ms. Gilman asked for a motion from the floor as the next petition came with no recommendation from the ZBA.

Ms. Kate made a motion seconded by Mr. Brewer to approve the following petition:
Exb. #06-4; Nunda Twp; Knoebel/Graham;Pennino; reclass of A1 to E1

Some members of the board noted positive comments on how this property will be developed. Ms. Kate noted that Nunda Twp had a split vote on this and that the water concerns she had have been addressed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) ayes votes noting two (2) absent, Chairman Koehler declared the motion has passed.

PLATS
None

PUBLIC PARTICIPATION

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

Lynn Rotunno of Woodstock	against	revised 2020 Plan
Susan Mathews of Marengo	against	revised 2020 Plan
Barbara Barton of Hampshire	against	revised 2020 Plan
John Berry of Marengo	against	revised 2020 Plan
Linda Fierla of Woodstock	against	revised 2020 Plan
RoseMary Kurtz of Crystal Lake	against	revised 2020 Plan
Dan Volkens of McConnell Rd.	against	revised 2020 Plan
Robert Perbohner of Crystal Lake	against	revised 2020 Plan
Bob Koehler of Woodstock	against	revised 2020 Plan
Jerry Glogowski of Algonquin	against	revised 2020 Plan
Richard Brook of Harvard	against	revised 2020 Plan
Patricia Kennedy of Harvard	against	revised 2020 Plan

Chairman Koehler noted that the 30-minute time limit for public participation is done. He asked for a motion to continue.

Mr. Hammerand made a motion seconded by Mr. Klasen to extend public participation.

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

Linnea Kooistra of Woodstock	against	revised 2020 Plan
Thomas McGrath of Woodstock	against	revised 2020 Plan
Gary B. Johnson of Bull Valley	against	revised 2020 Plan
Lenore Beyer-Clow of Woodstock	against	revised 2020 Plan
Dorothy Otis of Marengo	against	revised 2020 Plan
Mike Von Bergen of Hebron	against	revised 2020 Plan
Lawrence Fichter of McHenry	against	revised 2020 Plan
Michael Walkup of Crystal Lake	against	revised 2020 Plan
Thomas R. Jurs of Union	against	revised 2020 Plan
Gina LaFever of Woodstock	against	revised 2020 Plan
Wes Brazas of Hampshire	against	revised 2020 Plan

Public participation continued.

Laurie Cisneros of Marengo	against	revised 2020 Plan
Rob Cisneros of Marengo	against	revised 2020 Plan

Chairman Koehler noted that the extended 30-minute time limit for public participation is done. He asked for a motion to continue.

Ms. Peschke made a motion seconded by Ms. Salgado to extend public participation.

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

Meg Murray-Bradshaw of Harvard	against	revised 2020 Plan
Nancy Jung of Woodstock	against	revised 2020 Plan
Cindy Skrukud of Richmond	against	revised 2020 Plan
Ronald Chapman of Crystal Lake	against	revised 2020 Plan
Walter Quandt of Hampshire	against	revised 2020 Plan
Carol Quandt of Hampshire	against	revised 2020 Plan
Robert Abboud of Barrington Hills	against	revised 2020 Plan

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

NEW AND UNFINISHED BUSINESS

Resolution declaring a vacancy on the County Board.

Mr. Jung made a motion seconded by Ms. Miller to approve the above named resolution.

Chairman Koehler explained that Ms. Kate was resigning her seat as she is moving back to Texas. He said we have 60 days to fill the office and unless we accept the resolution of the vacating of this office it throws the timing off. The resignation is effective April 1st.

Mr. Brewer questioned why the democratic committee is getting a copy as state law says a republican must fill the position of a republican. Chairman Koehler said state law requires that the resolution is distributed to both parties.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Jung and Koehler. Nay: Klasen, Wheeler and Hill. Absent: Provenzano and Heisler. The vote being nineteen (19) aye votes and three (3) nay votes, noting two (2) absent, Chairman Koehler declared the motion passed.

APPOINTMENTS

Mr. Shea made a motion seconded by Mr. Brewer to approve the following appointments:

Merit Commission	
Gloria Urch	term to expire 3/31/2012

McHenry Co Transit Plan Implementation Task Force	
Lyn Orphal	Jack Nichols
Anna May Miller	Daniel Byars
Tina Hill	Karen Patel
Sue Low	Patrick Wilmont
Jay Nolan	Donald Kopec
Donna Schaefer	Shamus Misek
Tamara Valentine-Garza	Joseph DiJohn
Jack Freund	Brian Sager
Robert J. Miller	Paulette G. Pelletier
Don Kopsell	All terms to expire on 03/23/2008.

Chairman Koehler asked for any discussion. Mr. Brewer pointed out that the Merit Commission is composed of both parties. Ms. Salgado asked how the people were chosen for the Transit Plan Implementation Task Force and why there are only three board members. Chairman Koehler said these were people who were recommended by the PTAK Committee. Ms. Salgado felt that all of the members of the Transportation Committee should have been appointed to this task force.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Shea, Wheeler, Chmiel, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Nay: Klasen, Peschke, Salgado, Zierer, Brewer and Draffkorn. Absent: Provenzano and Heisler. The vote being sixteen (16) aye votes and six (6) nay votes, noting two (2) absent, Chairman Koehler declared the motion passed.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item. Mr. Shea asked to remove Agenda #14.2 I(2) and Ms. Peschke asked to remove Agenda #14.2 G(1).

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) aye votes noting two (2) absent, Chairman Koehler declared the motion passed with two items removed.

14.2 I(2) Resolution authorizing an agreement between a developer and McHenry County for roadway improvements.

Mr. Shea made a motion seconded by Mr. Dvorak to approve the above-named resolution.

Mr. Shea noted that an updated copy has been brought forward which had some corrections on it.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) aye votes noting two (2) absent, Chairman Koehler declared the motion passed with two items removed.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to discuss potential litigation.

Ms. Miller made a motion seconded by Ms. Chmiel to go into executive session.

Mr. Shea made a motion seconded by Ms. Wheeler to go into open session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Larson, Merkel, Miller, Moy, Munaretto, Orphal, Peschke, Salgado, Shea, Wheeler, Zierer, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Absent: Provenzano and Heisler. The vote being twenty-two (22) aye votes noting two (2) absent, Chairman Koehler declared the motion passed. No action was taken in executive session.

Executive session ran from 9:28 p.m. to 9:50 p.m.

Chairman Koehler spoke on the following resolution stating that as of our meeting February 7th pursuant to a motion made, this was postponed to tonight

14.2 G (1) Resolution authorizing adoption of the McHenry County 2020 Unified Plan
Ms. Gilman made a **motion** seconded by Mr. Larson **to approve the McHenry County 2020 Unified Plan.**

Chairman Koehler said certain amendments that were made during that last session they are still amendments made towards this motion.

Ms. Gilman stated that the changes made to the plan were included in the board's packet. She commented that the Planning and Development Committee has approved the Land Use Plan as presented tonight. It includes the amendments that were made at the February 7th County Board meeting. The text changes to the plan commission draft were made at the committee meetings of January 5th and 19th and the Land Use map was discussed at great length on January 26th and was also approved by the committee. Various plan commission members were present at all meetings and were an important part of the discussion and at that time they agreed with the residential land use changes made to the plan. Ms. Gilman went on to say that the plan as approved by the Planning and Development Committee addressed many of the concerns that were brought to their attention at the public presentation of the commission's plan. Written comments, our own staff and problems noted by Susan Connor regarding the disparity between the text and the map were brought to our attention and this includes: language supporting planned developments; it eliminates the countryside residential category and reinstates the AG/Rural definition which we have always had; it includes requirements for low density residential at a minimum 2 ½ acres and medium density residential with a minimum of 1 to 2 ½ acres; it supports CORI, commercial, office, research and light industrial in appropriate locations within the county; it supports the nodal concept and feathering of low and medium densities; it removes suggested very high density designations that were meant for municipalities only. The map now includes appropriate locations for each of the designations as approved by committee. Ms. Gilman went on to state that in order to protect prime soils and those who still want to farm them, we need to say where low density, conservation oriented development will go and not just leave it to the municipalities to absorb the increased population through annexation and urban development on what is usually very productive farmland. This plan protects prime farmland by moving development into less productive areas near municipal services.

Chairman Koehler asked to address the issue to reconsider one of the motions that were made at the last meeting, which would be a motion to reconsider as well as the amendment to that motion.

An amendment was made to change a designation on the 2020 Land Use Plan map from Planned Development to A-1, a property called the Duda property. That should not have been done.

As a member of the prevailing side Mr. Brewer made a **motion** seconded by Ms. Gilman **that the board reconsider their vote taken on February 7th regarding the single property, namely Duda property, which changed the designation of the 2020 Land Use Plan map from Planned Development to A-1, this includes the amendment made to this motion.**

Mr. Brewer said that it was not the board's intent to significantly point out any one specific property. Ms. Gilman said she felt that it was an error made in good faith because we had a court order de-annexing that property and part of that was that it came back in as base zoning. She said we need to consider that our map is a plan it is not zoning. Mr. Brewer pointed out that another motion will be made on the actual map; this is just a reconsideration of the amendment.

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

Chairman Koehler said it is now necessary to vote on the amendment again to vote it either up or down, the motion just voted on and passed was a motion to reconsider.

Mr. Brewer made a motion to change the designation on the Land Use Plan map from Planned Development to A-1 and to reinstate Planned DevelopmentChairman Koehler interjected saying that we need to go back to the motion that was made by Ms. Gilman and amended by Ms. Miller, we need to vote that up or down.

Ms. Miller clarified that a yes vote would be to make the amendment and no vote would be to deny it. Chairman Koehler asked for a voice vote on **Ms. Gilman's motion as amended**, the nays having it, the **motion is denied**.

Mr. Brewer made a **motion that the original map designation of Planned Development be reinstated on the 2020 Plan as proposed**, seconded by Ms. Gilman.

Mr. Brewer said this puts the designation back on the map back to what the Planning Committee presented to us as it was prior to February 7th.

Chairman Koehler asked for a voice vote on the Planning and Development designation of that property back on the map. Being unable to tell the outcome by a voice vote, the Chairman did a hand count. The vote being eleven (11) ayes and eleven (11) nays, Chairman Koehler declared a tie vote and that makes the **motion failed**.

Chairman Koehler said we are now back to the motion to approve the 2020 Plan with the changes that the P & D Committee had made and changes that were made at the last meeting.

Ms. Miller made a **motion to remove all of the Planned Development designation from the entire 2020 Plan map and change it to AG/A-1**, seconded by Ms. Wheeler.

Ms. Miller said after extensive research she is very concerned about all of the Planned Development. She believes that Planned Development can be considered conservation development but she is not comfortable enough right now to move forward and support all of the Planned Development areas.

Chairman Koehler asked for a voice vote noting a **yes vote is to remove the PD designation on the map and replace it with AG/A-1**. The ayes having it, the **motion is passed**.

Ms. Wheeler asked Ms. Ehardt about the resolution that the Conservation District had sent over with direction for the MCNY and the aided map, she didn't see it in her packet. Ms. Ehardt said they did not have a chance to put that together.

Mr. Moy made a **motion to amend** seconded by Ms. Gilman to **insert** the following **language** in the text of Chapter 5 as the first sentence under the subheading "Agriculture":

It is one of the primary goals of this Land Use Plan to preserve and protect the agricultural industry, existing farmland and our groundwater recharge function

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

Mr. Moy made a **motion to amend** seconded by Mr. Brewer to **insert** the following **language** in the text of Chapter 7 as the third paragraph under the subheading "Development Regulations":

No existing land use shall be changed without considering the proposed changes effect upon the groundwater recharge and the potential for aquifer contamination based upon the most recent groundwater maps, use – to – yield ratios of the Groundwater Resources Management Plan and planning guidelines, which shall be developed and attached to the Plan as appendices.

Mr. Moy said his feeling is that the most precious resource we have and our largest commitment to the future and the growth of this county is the groundwater. This language ensures and positions us for the future. There was some discussion of what the purpose of the language was for. Mr. Moy said he was trying to include the recent study by Baxter and Woodman as a part of the text in the future direction of the protection of our groundwater. It was noted that we do have a Watershed Development Ordinance that is intended to regulate that but we don't have a Water Conservation/Water Quality/Water Supply ordinance yet.

Chairman Koehler asked for a voice vote; being unable to tell the outcome of the voice vote, a hand count was done. The hand count being ten (10) yes and twelve (12) no, Chairman Koehler declared the **motion to amend by adding language to the seventh paragraph has failed.**

Mr. Moy made a **motion to amend** seconded by Mr. Klasen to **insert** the following **language** in the text of Chapter 5 as the last sentence under subheadings "Commercial", "Industrial" and "Commercial Office, Research, Light Industrial District" (CORI):

All Commercial, Industrial, and CORI districts should be sited within or adjacent to existing municipal boundaries so that access to transportation and utility services can be provided without extensive new construction of either.

Some board members expressed their opinion for and against this language, some saying that the language has too much limitation.

Chairman Koehler asked for a voice vote, the nays having it, the **motion to amend to insert the above-named language in Chapter 5 has failed.**

Ms. Peschke made a **motion to amend** the original motion seconded by Ms. Salgado to change from the Planning and Development amended plan **to approving the Unified 2020 Regional Plan Commission Plan as presented to the County Board last year, October 2005.**

Ms. Peschke commented that the handout received this evening does not appear to have accurate figures on it and is assured by the Defenders that they did not endorse anything on the P&D text or the map. She felt that the RPC Plan should be approved as it was favorably reviewed by NIPC over a year ago and received broad support from the public. A statement was read by Ms. Peschke. Some board members supported her comments and said they didn't want to put a stamp on any plan just to get it done. It was said that the P & D Plan is preserving prime farmland. If we have nothing but AG which is what the Plan Commission's draft showed right up to municipal borders, we will have municipalities annexing with high density development into prime farmland. It was noted that the P & D Plan is a combination of the two plans together built one from another. Mr. Hammerand stated that the original draft was put together from a group of people that was selected from amongst the population by the County Board and were appointed to serve a term until replaced. The Regional Plan Commission still exists as a body and their draft seems to show a lot of acreage but the P & D's draft shows redefined AG/Rural and they have 40,000 acres in that AG/Rural district that has one acre designation. He feels that the redefined AG/Rural would be the thing that needs to be changed.

Mr. Hammerand thinks any person owning acreage property should recuse themselves from the vote on this plan as it could indicate a financial gain to that person.

Chairman Koehler asked for a roll call on the **motion to approve the October 2005 Regional Plan Commission Unified 2020 Plan**. The following members responded aye: Klasen, Moy, Peschke, Salgado, Zierer, Dvorak, Hammerand and Jung. Nay: Kate, Larson, Merkel, Miller, Munaretto, Orphal, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Gilman, Hill and Koehler. Absent: Provenzano and Heisler. The vote being eight (8) aye votes and fourteen (14) nay votes, noting two (2) absent, Chairman Koehler declared the **motion failed**.

Chairman Koehler said this brings us back to the main motion to adopt the Planning and Developments Committee draft of January 2006.

Ms. Hill made a **motion to amend** seconded by Mr. Moy in the **small area surrounding the Boone Creek Watershed at the intersection of Valley Hill Road and Mason Hill Road, it is right now designated as low density, she would like the designation reverted back to AG**.

Ms. Hill stated that she met with her constituents and they had many concerns. She said this area is a Class III groundwater that has been designated by the State of IL, only one of very few. She feels that we need to protect our groundwater and it is environmentally sensitive enough to do this. It was asked if this was within the 1 ½ mile boundary of Bull Valley or Woodstock. She said yes but it is not in their village.

Chairman Koehler asked for a voice vote on Ms. Hill's **motion to amend**, the ayes having it, the motion is **passed**.

Mr. Klasen made a **motion to amend** seconded by Ms. Zierer **that the designation of AG/Rural be deleted from the maps and text and be replaced with the designation of AG (Agricultural)**.

It was noted that the AG/Rural designation has been on the plans since 2005. Ms. Ehardt explained the AG/Rural designation and how it came about. AG/Rural designated property can not be sub-divided, there seemed to be some confusion on the size. Ms. Ehardt also explained the LESA scoring system for farmland property.

Chairman Koehler asked for a roll call vote on Mr. Klasen's motion to amend.. The following members responded aye: Klasen, Moy, Peschke, Salgado, Draffkorn, Dvorak, Hammerand and Jung. Nay: Kate, Larson, Merkel, Miller, Munaretto, Orphal, Shea, Wheeler, Zierer, Brewer, Chmiel, Gilman, Hill and Koehler. Absent: Provenzano and Heisler. The vote being nine (9) aye votes and thirteen (13) nay votes, noting two (2) absent, Chairman Koehler declared the **motion to amend has failed**.

Chairman Koehler said this brings us back once again to the **main motion to adopt the Planning and Development Committee's draft of January 2006 of the 2020 McHenry County Unified Plan as amended**.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Larson, Merkel, Miller, Orphal, Shea, Brewer, Chmiel, Gilman, Hill and Koehler. Nay: Klasen, Moy, Munaretto, Peschke, Salgado, Wheeler, Zierer, Draffkorn, Dvorak, Hammerand and Jung. Absent: Provenzano and Heisler. The vote being eleven (11) aye votes and eleven (11) nay votes, noting two (2) absent, Chairman Koehler declared the vote a tie and therefore the **motion is denied**.

Ms. Gilman made a **motion** seconded by Mr. Brewer **to continue with the 2010 Plan and begin work immediately on the 2030 update.**

Chairman Koehler asked for a roll call vote. The following members responded aye: Kate, Klasen, Moy, Munaretto, Orphal, Shea, Wheeler, Zierer, Brewer, Draffkorn, Dvorak, Gilman, Hammerand, Hill, Jung and Koehler. Nay: Larson, Merkel, Miller, Peschke, Salgado and Chmiel. Absent: Provenzano and Heisler. The vote being sixteen (16) aye votes and six (6) nay votes, noting two (2) absent, Chairman Koehler declared the **motion passed to continue using the 2010 Plan and immediately moving forward on the 2030 Plan.**

ORDINANCES

For Review: Agricultural Conservation Easement and Farmland Protection Ordinance

ADMINISTRATOR'S REPORT

Mr. Austin asked the board to please get their surveys in as they are still missing twelve of them. They can be hand delivered or e-mail to Mr. Labaj.

MEMBERS' COMMENTS

None

COMMUNICATIONS

None

ADJOURNMENT

Mr. Shea made a motion seconded by Ms. Wheeler to adjourn at 11:35 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 18th day of April, A.D., 2006.

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

ATTEST:

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