

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
FEBRUARY 20, 2007

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

District 1 Yvonne M. Barnes Marc Munaretto Anna May Miller Dan Shea	District 2 Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	District 3 Ed Dvorak Mary L Donner Nick Provenzano Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 John Jung Jr. James P Kennedy Virginia Peschke Tina Hill	District 6 Randall Donley Mary T McCann Daniel P Ryan Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, February 20, 2007.

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. Donner gave the invocation/personal remarks.

ROLL CALL

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

MINUTES

Mr. Heisler made a motion seconded by Mr. Dvorak to approve County Board minutes from February 6, 2007. Chairman Koehler asked if there were any corrections. Two typos were noted and will be corrected. Chairman Koehler asked for a voice vote, the ayes having it, the motion to approve minutes from February 6, 2007 are approved.

CHAIRMAN'S REMARKS

Chairman Koehler said everyone should have received a copy of the flyer about the conference that is being sponsored by the County Board and the McHenry County Conservation Foundation and M CCD. It will take place March 2nd from 8:30 to 2:30. Many interesting topics will be discussed and he encourages everyone to attend. There is no cost and lunch will be served.

SPECIAL RECOGNITION

Ms. Salgado made a motion seconded by Mr. Hammerand to approve the following Eagle Scout recognition:

Daniel Steven Loeblich of Troop #131 in McHenry
Jake Sanches of Troop #167 in Huntley

Chairman Koehler asked if any scouts were in attendance, there were none. He then asked for a voice vote, the ayes having it, the motion is carried.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to pull a petition from the ZBA consent agenda. Ms. Wheeler asked to pull Petition #06-7, Bradford McAtee as the Petitioner asked for it to be pulled in order for Coral Twp. to have it presented at a public meeting.

Ms. Wheeler made a motion seconded by Mr. Shea to approve the following Petitions:

- Exb. #06-42; Alden Twp; Seger Trust; reclass A1 to A2
- Exb. #06-60; Nunda Twp; Clow Trust; reclass A1 to A1C
- Exb. #06-91; Hartland Twp; Maguire Trust; reclass A1 to A2
- Exb. #06-93; McHenry Twp; Conaway; reclass R1 to R1V
- Exb. #06-96; Dorr Twp; Rosati; reclass A1 to A2

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Miller, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner and Koehler. Absent: Merkel and Munaretto. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Wheeler made a motion seconded by Ms. Donner to approve the following Petition:

- Exb. #06-55; Vogel and Garrelts Petition to Amend Zoning Petition #06-55

Ms. Wheeler made a **motion to amend the amendment** seconded by Ms. Donner regarding Exb. #06-55:

Petitioner had requested in #8 of his petition that repayment of the filing fees be waived per acre. Petitioner has authorized that the payment of the fees are based on the cost to the county instead of the waiving of all fees, and he has authorized that.

Motion is to amend #8 to read the fees to be charged are what it costs the county.

Chairman Koehler asked for a roll call vote. The following members responded aye: Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Miller, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner and Koehler. Absent: Merkel and Munaretto. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the **motion to amend the amendment has passed**.

Chairman Koehler asked for any discussion on the original motion. Ms. Wheeler commented that this property is adjacent to the McHenry County Conservation District and the process that he has gone through prior to the conservation districts new matrix. The petitioner has contacted the conservation district and they have set up a meeting and it was voted against. The petitioner has decided to have conversations with the conservation district working within whatever remedies the conservation district decides for them to do. She said this petition will go in front of the ZBA again and they will be able to vote on it again and then it will come before the board. Ms. McCann asked that in the future if we get a petition to amend that we get the previous petition and hearing report to look at, as it would be helpful.

Chairman Koehler asked for a roll call vote. The following members responded aye: Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, Miller, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner and Koehler. Nay: McCann. Absent: Merkel and Munaretto. The vote being twenty-one (21) ayes and one (1) nay noting two (2) absent, Chairman Koehler declared the motion passed.

PUBLIC PARTICIPATION

Chairman Koehler explained the rules of public participation. The following person(s) spoke:

Sandra Bohnke of Crystal Lake	regarding issues at Valley Hi
Ellen Tschirhart of Woodstock	against cat registration fees
Pat Biestek of Woodstock	regarding issues at Valley Hi
Eleanor Webster-Valley Hi resident	regarding issues at Valley Hi
Frank Colangelo of Woodstock	regarding issues at Valley Hi
Rosalie Vosburgh of Woodstock	regarding issues at Valley Hi
Lisa Stanton of Union	regarding various county issues
i.e. Valley Hi, cat registration fees, Animal Control location, illegal alien problems, ZBA issues, water authority issues	
Dan & Lynne Kreisman of Woodstock	regarding issues at Valley Hi
Dolores Sunderlage of Woodstock	regarding issues at Valley Hi
Linda Goud of Woodstock	regarding issues at Valley Hi
Jackie Siemers of Crystal Lake	regarding issues at Valley Hi
Sally Welch of Harvard	regarding issues at Valley Hi

Chairman Koehler noted that the allotted time has been used. He asked for a motion to extend public participation.

Ms. Hill made a motion seconded by Mr. Heisler to extend public participation time. Chairman Koehler asked for a voice vote, the ayes having it, the motion to extend has been approved.

Gina LeFevour of Woodstock	regarding issues at Valley Hi
Cal Skinner of Crystal Lake	against cat registration fees

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

APPOINTMENTS

Ms. Salgado made a motion seconded by Ms. Peschke to approve the following appointment:

<u>Senior Services Grant Commission</u>	
Jack White	term to expire 10/01/2009

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

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item. Ms. Salgado removed 14.2 G(1).

Mr. Shea made a motion seconded by Ms. Barnes to approve the Routine Consent Agenda with one item removed.

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

14.2 G(1) Resolution authorizing the transfer of CDBG funds between McHenry County PADS and Pioneer Center for Human Services

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

Ms. Salgado asked to abstain from the vote as she is an employee of Pioneer Center.

Chairman Koehler asked for a roll call vote. The following members responded aye: Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Miller, Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner and Koehler. Absent: Merkel and Munaretto. Abstain: Salgado. The vote being twenty-one (21) ayes, one (1) abstention, noting two (2) absent, Chairman Koehler declared the motion passed.

ORDINANCES

For Action: Public Health Ordinance – Article XVII, Animal Control

Ms. Peschke made a motion seconded by Ms. Wheeler to approve amendments made to Article XVII of the McHenry County Public Health Ordinance.

Chairman Koehler said that he is aware of some basic housekeeping issues within the ordinance that will be taken care of. If any board members would like to note spelling or grammatical errors they might notice, they can be turned in to Chairman Koehler or Jamie Rein, Asst. State's Attorney who has worked on the ordinance.

Ms. Peschke told the board from the last version of the ordinance that board members had seen, some of the things discussed at the Public Health Committee were on page 9, an additional definition of adequate shelter for animals; page 11 they had discussed ascertaining by observation by inquiry and they had a description of what that was and they decided to keep that in; on page 15 they removed the requirement for signage for the vicious dogs and also on page 17; she also noted that any where you see the word "dog" in this ordinance it should say "dog or cat". On page 19 there was a change, the last phrase of impoundment originally it had said owner of such dog and has been changed to such animal.

Ms. Miller commented about the change on page 11, section 3.09 the authority of Animal Control to ascertain inoculation, she proposed at committee level to remove this. She feels that the ordinance provides ample opportunity if you are responding to a nuisance call or there is a reason. She said that she is uncomfortable with their being able to ascertain if someone has vaccinated and/or registered their animal based on observation or inquiry.

Ms. Miller made a **motion** seconded by Mr. Provenzano **to remove section 3.09 on page 11**, Authority of Animal Control to ascertain inoculation.

Ms. Rein commented on another issue, page 19 D that Ms. Peschke mentioned about dogs running at large should be spayed or neutered; she said that one was strictly for dogs straight out of the state statute. This one should not be dog or cat.

Ms. Peschke spoke to Ms. Miller's motion to remove. She asked how we ascertain this if we don't observe and ask questions of the situation. Ms. Miller responded that her interpretation was that if they are responding to a call they will be able to ask and ascertain. She added that if there is a reason for an animal control officer to be at a specific place, they have the right to ascertain whether the animal is vaccinated and registered, she didn't think it needed to be put in as a specific chore for them. It was asked if there would be any harm in removing this. Mr. McNulty said this has not been in the ordinance before but if animal control officers were out, many years ago, they went door to door to survey if dogs were registered. That is not a practice any longer.

There was extensive discussion about pros and or cons of the observation and inquiry of dogs being inoculated and registered and the reasoning behind adding it in the first place. Ms. Rein said her thought on this is that the only time she is aware of animal control going and inquiring is when a neighbor calls or something of that nature. Going door to door was not the intention of putting this in the ordinance. Ms. Peschke noted that at committee what was discussed was to take out the words "observation and inquiry" not to take out all of 3.09. Ms. Miller said her intention in removing all of 3.09 was to remove their right to just go soliciting that information for no reason at all. Ms. Rein indicated that this language could be added for the administrator, if given cause, can ascertain whether the animal is vaccinated or not.

Chairman Koehler asked for a roll call vote on Ms. Miller's motion to amend to remove section 3.09 of Article XVII of the Public Health Ordinance. The following members responded aye: Draffkorn, Dvorak, Hammerand, Hill, Jung, Miller, Orphal, Provenzano, Ryan, Shea, Wheeler, Zierer, Chmiel, Donley and Donner. Nay: Heisler, Kennedy, McCann, Peschke, Salgado, Barnes and Koehler. Absent: Merkel and Munaretto. The vote being fifteen (15) ayes and seven (7) nays noting two (2) absent, Chairman Koehler declared the **motion to amend to remove section 3.09 of Article XVII has passed.**

Chairman Koehler asked for any other discussion on the main motion. Mr. Ryan said he had an issue with the penalties and remedies on page 34, section 13.01. He thinks that the minimum fines for B, C and D should be lowered or \$25 across the board for a minimum fine.

Mr. Ryan made a **motion to amend** seconded by Ms. McCann **to lower the minimum fine on B, C, and D of Section 13.01 to \$25.**

Chairman Koehler asked for any discussion on the motion to amend to lower the minimum fine. There was extensive discussion about the lowering of the fine as some of the issues in bringing about changes in the ordinance are very serious. Some board members said if they were able they would increase the fines. It was noted that A needed to be amended as well. Ms. Rein was asked for clarification on A of section 13.01 and the minimum fine of \$25 for forgery. Ms. Rein stated that B, C, D and E are what came from the committee; A is from what we had before and it gives the State's Attorney some leeway on situations that happen. She added that the fine is \$25 but there are also court costs of \$75. Primarily this is for any person violating any provision of the ordinance and then you go into the other parts.

Mr. Hammerand asked for clarification on E in section 13.01, the fine for dogs reported to be running at large. Mr. Rein said D and E were separated because when animal control has to intervene and they actually pick up an animal running at large that was for the \$150 fine for the first offense; E is for the majority of the dog running at large complaints that come through, like a neighbor calling in and signing a complaint, those are set at a minimum fine of \$50 because there is not an officer corroborating the story. A neighbor could sign a petition and then they would go to court and present their side to the judge and the judge would make a determination and the judge could set the fine at \$50 or higher. The Animal Control Act itself makes most of the offenses in the ordinance misdemeanor offenses. Ms. Rein explained different areas of section 13, penalties and remedies.

Chairman Koehler asked for a **voice vote** on Mr. Ryan's **motion to amend to lower the minimum fine on B, C, and D of Section 13.01, the nays having it, the motion has failed.**

Chairman Koehler asked if there was any other discussion on the main motion.

Ms. Orphal made a **motion to amend** seconded by Ms. Zierer **to remove the registration fees for cats.**

Chairman Koehler asked for discussion on the motion to amend. Ms. Orphal said she has spoken with many constituents that believe that the county is just looking for more revenue. Ms. Orphal said she has cats herself and when they are ill they go to the vet, and if they are not vaccinated he does it at that time. Ms. Zierer agreed saying that she felt many of the cats that go to animal control are feral cats or barn cats and most people with house cats keep them indoors. Mr. McNulty responded that a very small number of the cats received at animal control are feral or barn cats, they are domestic cats that people have dumped some where because they don't want them any more. It was noted that other counties around the area have cat registration fees in their ordinance and Dr. Mehanovic feels that rabies in cats is moving in this direction and could be a public health issue in the future. It was noted that some felt that because of the amount of cats that are taken in by animal control, the fees should not just be shouldered by dog registration fees by dog owners. After extensive discussion on the pros and or cons of having cat registration fees and the ability to enforce this Ms. Orphal asked for the question to be called.

Chairman Koehler asked for a roll call vote on the motion to amend to remove the registration fees for cats. The following members responded aye: Draffkorn, Dvorak, Hammerand, Kennedy, McCann, Orphal, Provenzano, Ryan, Shea, Zierer, Barnes and Donley. Nay: Heisler, Hill, Jung, Miller, Peschke, Salgado, Wheeler, Chmiel, Donner and Koehler. Absent: Merkel and Munaretto. The vote being twelve (12) ayes and ten (10) nays, noting two (2) absent, Chairman Koehler declared the **motion to amend to remove the registration fees for cats has passed.**

Chairman Koehler asked for a roll call vote on the main motion to **approve Article XVII of the McHenry County Public Health Ordinance with changes that were made this evening.** The following members responded aye: Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Miller, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner and Koehler. Absent: Merkel and Munaretto. The vote being twenty-two (22) ayes, noting two (2) absent, Chairman Koehler declared the **motion passed.**

ADMINISTRATOR'S REPORT

Mr. Austin assured everyone that he has heard the concerns about the Valley Hi issues and he and Mr. Wenberg are working on this. He said we will build on the excellence in staff that we have at Valley Hi. Mr. Labaj talked about the strategic plan stating that we have over 100 items that were identified at the planning session. Those items are being organized and we should have the final ranking sheets in the next week. Once those are reviewed, they will be sent out to board members with instructions on how the board will rank those issues. He said they would like to have them back by the first Friday in March. If there are any questions, please give him or Peter Austin a call.

EXECUTIVE SESSION

None

MEMBERS' COMMENTS

Mr. Hammerand commented on exempting cats from the animal control ordinance. He said animal control has a hard job but his constituents have told him they don't want the county warehousing cats. It is the cat owner's responsibility to care for them and when they don't care for them, because we are not charging them, they are still not taking responsibility for their animal, putting the responsibility on animal control. He said we have a responsibility going forward to figure this out, and he hopes people understand.

Ms. Zierer thanked the board for the flowers that were sent to her. Also, she noted that Valley Hi will be meeting on March 8th instead of on the 1st.

Mr. Provenzano said that he was disappointed hearing the comments that were made tonight regarding Valley Hi. Several weeks ago board members were at Valley Hi for a tour and talking with staff and several of these things were mentioned to board members and nothing has been done. He said he was on the Building Projects Committee and never heard any complaints about carpet going into a facility like this. He thinks there should have been a staff team in place for input.

Ms. Peschke agreed that she is saddened to hear the issues at Valley Hi. She said we paid people to design Valley Hi and the fact that they did not design a dining room to account for the space of wheelchairs and walkers is amazing to her. She doesn't understand that a company that was supposed to be an expert in building a nursing home could overlook common sense type things.

Ms. Salgado reminded the board that in March following the Public Health & Human Services Committee meetings on the 9th and 23rd, there will be a Senior Services Grant Commission strategic planning where the public is invited to come and talk to them about senior needs. Also, on March 20th at the board meeting there will be a presentation on the Mental Health Court Program.

Mr. Donley echoed Ms. Peschke's comments about Valley Hi. He thinks we should go after the people who designed the facility to help correct the problems possibly at their expense.

Ms. Wheeler encouraged board members to go the March 2nd meeting on protecting McHenry County's Natural Resources, as well as encouraging you to invite your municipal leaders that you know well. This needs to be a county wide effort. Also, on March 1st at 8:15 there will be a mini workshop on the school impact fee ordinance. And on March 15th there will be discussion on the sign ordinance, so if you're available she encouraged members to come to these meetings.

Mr. Jung said the Planning Commission met last week and they were given a presentation on Imagine McHenry County and after than they went to Ms. Hill's water presentation at the Woodstock Library. Sub-committees are formed and they are working on their goals and objectives. If you're interested in giving any input, please feel free to attend one of their meetings.

Ms. Orphal said she understands the concerns for what is going on at Valley Hi but some of the concerns take time to overcome. In regard to the dining room issue, they possibly could do two meal times to alleviate the over-crowding. Overall she feels it is a very nice facility and with some time and a few minor changes she believes everything will be fine.

Mr. Kennedy said being on the Valley Hi Committee he has heard all of the concerns and he will work hard to address these concerns.

Ms. Hill reminded board members that Management Services will be discussing the County Board rules on Tuesday. She has heard input from one member that is not on the committee. This should not be a controversial subject and any input should be done before it comes to the board floor to be voted on.

Chairman Koehler suggested that any of the board members hearing the comments about Valley Hi tonight should also attend the Valley Hi Committee meeting to hear the explanations. There are some state laws that have to be followed which we were allowed to limp by until we moved to the new facility. He said they might have had to close down Valley Hi had they not built the new facility. It is no excuse for some of the issues being brought to our attention, but there are explanations for some things and we have something to improve on.

ADJOURNMENT

Ms. Donner made a motion seconded by Ms. Chmiel to adjourn at 9:32 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6th day of March, A.D., 2007.

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

ATTEST:

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