

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 17, 2008

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, June 17, 2008.

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. Chmiel gave the invocation/personal remarks.

ROLL CALL

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

MINUTES

Mr. Heisler made a motion seconded by Ms. Donner to approve County Board Regular Session minutes from June 3rd. Chairman Koehler asked if there were any changes or corrections, there were none. Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the motion passed.

CHAIRMAN'S REMARKS

Chairman Koehler told the board that he has issued a press release, a copy of which was given to board members, that he has extended open burning for two more weekends because of the recent storms and weather conditions.

SPECIAL RECOGNITION/REPORTS

Ms. Donner made a motion seconded by Mr. Heisler to approve the following Eagle Scout recognition:
David Cablk of Crystal Lake Troop #158

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

SPECIAL PRESENTATIONS

Barry Valentine of EMA reported on the recent weather in McHenry County. He said the flooding and wind damage started around June 1st in northern IL. During a short period of time we received about 7-8 inches of rain but in that same period the watershed for the Fox River received about 18-20 inches of rain and subsequently 5-6 more inches after that. Right now there is flooding along the Fox River but it appears that the river is starting to level off and hopefully some of these areas can start to reach their highest level before they start to fall. In New Munster, WI he said there is 5 feet of water above flood stage and this is where the watershed is coming down from. Fox Lake is about 2 feet above flood stage, fortunately for us it has not yet reached into the Fox River and may be doing that at a much slower rate. Below the dam in McHenry floods all of the time, places such as Orchard Heights, Holiday Hills and subdivisions in that general area. Mr. Valentine wanted to remind the public that if their well is inundated with flood waters don't use it and get the well tested; bottles can be obtained from the Health Department or the township offices. Sandbagging has been done by many homeowners to protect their property. Mr. Valentine said that we have about 40,000 sand bags on hand here at the county. It was asked who has final authority on when and how much the Bolger Dam is opened? Mr. Valentine responded that the IL Department of Natural Resources has that authority.

ZBA CONSENT AGENDA

Chairman Koehler asked if any petitions needed to be removed, there were none.

Mr. Heisler made a motion seconded by Ms. Donner to approve the following ZBA petitions:

- Exb. #07-94; Richmond Twp; Zamindar Club, Inc.; reclass of A1C to A1C (renew)
- Exb. #07-100; Algonquin Twp; Geske & Sons, Inc.; reclass of I1C to I1C (new CU)
- Exb. #08-10; Chemung Twp; David/Donna Nerge; reclass A1 to A2
- Exb. #08-12; McHenry Twp; Barbara Baumann; reclass R1 to R1V
- Exb. #08-18; Chemung Twp; Fox Children's Trust; reclass A1 to A2
- Exb. #08-27; Alden Twp; Sam/Karen DeFalco; reclass A1 to A1V
- Exb. #08-28; Hebron Twp; Thelen Sand & Gravel/Kay; reclass A1/A1C to A1C (amend/renew)

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Mr. Heisler made a motion seconded by Mr. Provenzano to approve the following Petition:

- Exb. #07-91; Greenwood Twp; Gregory/Karen Lorr; reclass R1 to R1V
(shed in front yard and shed setbacks)

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion to approve a shed in the front yard and shed setbacks has passed.

Mr. Heisler made a **motion** seconded by Ms. Orphal **to deny** the following Petition:

- Exb. #07-91; Greenwood Twp; Gregory/Karen Lorr; fence in front yard

Chairman Koehler said if anyone wants to reverse the denial it will take a ¾ vote of the County Board.

Mr. Kennedy made a **motion to amend** seconded by Mr. Donley to **change from denial to approval of Petition #07-91 request for a fence in the front yard.**

Chairman Koehler asked for any discussion on the motion to amend. Several board members agreed with the amendment saying they did not feel the fence would be an impediment to anyone.

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to change from denial to approval of Petition #07-91 in regard to the fence is approved.**

Chairman Koehler asked for any discussion on the **motion to approve a fence in the front yard for Petition #07-91.** Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the **motion to approve the fence in the front yard has passed.**

PLATS

Mr. Heisler made a motion seconded by Ms. Donner to approve the following final plat:

- Brierhill Estates ; Coral Twp

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment.
Noting no persons wishing to speak, Chairman Koehler closed the Public Comment part of the meeting.

NEW AND UNFINISHED BUSINESS

Resolution honoring Illinois' Favorite Son, President Abraham Lincoln upon the 200th anniversary of his birth.
Ms. Hill made a motion seconded by Mr. Provenzano to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Hill said this well written resolution was done by the City of Woodstock's public relation officer. Chairman Koehler said that a lot of events will be taking place and Ms. Hill already has a huge amount of people already involved. Board members thanked Ms. Hill for her involvement in this.

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

APPOINTMENTS

Mr. Heisler made a motion to approve the MCCD appointee and Ms. Salgado made a motion to approve the Senior Services appointee, both seconded by Ms. Peschke to approve the following Appointments:

McHenry County Conservation District Board of Trustees
Thomas O'Donnell term to 06/30/2013

Senior Services Grant Commission
Susan Ritzert (MCCOG) term to 09/06/2009

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

STANDING COMMITTEE CHAIRMAN UPDATE

Ms. Peschke pointed out that the Public Health Ordinance being considered for amendment regarding the pool barrier was the wrong ordinance, a new and correct copy has been handed out.

Ms. Hill encouraged everyone to attend after the a.m. meeting in July 1st the presentation by several web casters to see if that is something the County Board wants to pursue.

Ms. Zierer said she wished that everyone would have been at Valley Hi on Saturday afternoon when the prom was held for the residents. A queen and king were crowned and Vito Buffalo was there to provide music for the event. Every lady got a special dress and the men had white shirts and ties and refreshments were served.

Mr. Jung said regarding the Regional Planning Commission (RPC) that they have finished working on the water resource chapter and the open space chapter and are currently discussing the chapter on agriculture. Mayor Sager from Woodstock came and talked to the commission and reiterated the support from MCCOG and the importance of communication and cooperation to continue between the RPC, the County and MCCOG and other municipalities in the County. Also, they are going to interview a couple of firms to come in to do the technical writing for the plan to make for easy reading for the average person.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Routine Consent Agenda, there were none. Mr. Shea made a motion seconded by Mr. Ryan to approve the Routine Consent Agenda as presented.

Ms. Donner commented on the MCCD budget saying it was excellent and shows vision. Chairman Koehler agreed. Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

ORDINANCES

For Action: *Ordinance adopting the Prevailing Wage Rates (waiver of 30 day review requested)*
Ms. Orphal made a motion seconded by Ms. Draffkorn to approve the above-named ordinance.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Ryan, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand and Jung. Nay: Orphal, Peschke, Provenzano, Salgado, Heisler, Hill and Koehler. Absent: Wheeler. The vote being sixteen (16) ayes and seven (7) nays noting one (1) absent, Chairman Koehler declared the motion passed.

For Action: *Pool Barrier Ordinance Amendments (waiver of 30 day review requested)*

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

Chairman Koehler asked for any discussion. Ms. Peschke explained that there were discussions at the last meeting about allowing persons who are building pools to have the flexibility of putting in an approved automatic pool cover that would be locked when people are not swimming or they could build a fence and the other part of the discussion had to do with people who have already been exempted or have a variance coming into compliance. Ms. Peschke said what she heard from people was that people thought that it was overly excessive regulation to have those people come into compliance within 5 years, so what she did is in order to help people who are building pools right now to have that flexibility of putting in the approved barrier, that the Article in the Health Ordinance pertaining to Pool Barriers will allow people to install an approved pool barrier in place of a fence and would eliminate the fact that people have to come into compliance in 5 years.

Ms. Miller made a **motion to amend** seconded by Ms. Chmiel to **remove anyone who is grandfathered in under this ordinance to be in compliance within 5 years.**

Chairman Koehler asked if there was any discussion on the motion to amend. Ms. Miller said everyone should have to abide by the ordinance. Mr. Ryan read parts of the ordinance for clarification.

Mr. Hammerand asked for a Point of Order saying we considered this last month and feels this amounts to reconsideration of the issue without notice. He asked for a parliamentary ruling on this. Ms. Rein checked on this and Chairman Koehler reported that notice was given and it did go through proper channels and it is in order to discuss it tonight.

Chairman Koehler asked for any discussion on the motion to amend. Ms. Salgado said although she agrees, we are at a point where we need to vote on this, an alternative is needed for people building pools now.

Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, Chairman Koehler declared the **motion to amend failed.**

Chairman Koehler asked for any discussion on the main motion. Board members voiced opinions both pro and con for having approved pool covers vs. fencing.

Chairman Koehler asked for a roll call vote on the motion to approve the Ordinance as presented here today. The following members responded aye: Kennedy, McCann, Peschke, Salgado, Barnes, Chmiel, Donner, Heisler, Hill, Jung and Koehler. Nay: Merkel, Miller, Munaretto, Orphal, Provenzano, Ryan, Shea, Zierer, Donley, Draffkorn, Dvorak and Hammerand. Absent: Wheeler. The vote being eleven (11) ayes and twelve (12) nays, Chairman Koehler declared the **Pool Barrier Ordinance amendments have failed.**

ADMINISTRATOR'S REPORT

Mr. Austin introduced the new Administrative Intern who started yesterday, Adam Lehmann. He is a student at NIU this fall in their Masters of Public Administration Program.

Mr. Austin said there were two representatives from the National Center for State Courts who arrived on Monday to reevaluate the Court Administrator position for the future. Also, Mr. Austin mentioned the Finance Committee meeting is cancelled for next week and will next take place on July 1st at 8 a.m. He also mentioned that his own evaluation is underway and he has put out a brief summary of a self evaluation that he presented to Management Services last week. Please feel free to offer comments/thoughts to Ms. Hill. He is interested in knowing what the board feels needs improvement. Finally, Mr. Austin said he talked with our lobbyist in Washington and things are

starting to happen. He hopes to have some news to report within the next several weeks about what bills are carrying some earmark for McHenry County.

EXECUTIVE SESSION

Chairman Koehler said there was need to go into executive session to discuss Pending Litigation, Land Acquisition and Personnel issues.

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

Ms. Peschke made a motion seconded by Ms. Donner to go into regular session.

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

Executive Session ran from 8:07 p.m. to 9:32 p.m.

Chairman Koehler noted that no action was taken in executive session

COMMUNICATIONS

None

COMMENTS

Mr. Merkel said he along with Mr. Jung was appointed to sit on the Regional Coordinating Committee for the Chicago 2016. A meeting was held on Monday and Chicago made the cut to the final four so their campaign and some of their promotions and reapplication has to be submitted by this fall. He said they are looking for support throughout the region from municipalities and other entities. Mr. Merkel said he is giving a sample resolution to the Chairman and hopefully we can get that on the next meeting agenda. Also, Mr. Merkel said if you have an opportunity go to the MCCOG meeting on June 25th in Lake in the Hills. The deadline for reservations is the 20th and there will be a presentation from the Chicago 2016 Committee on their Olympic bid. The final announcement will come in October 2009.

ADJOURNMENT

Mr. Kennedy made a motion seconded by Ms. Chmiel to adjourn at 9:35 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 15th day of July, A.D., 2008.

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

ATTEST:

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