

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
DECEMBER 16, 2008

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

District 1 Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	District 3 Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill James P Kennedy Virginia Peschke Paula Yensen	District 6 Randall Donley Mary T McCann Daniel P Ryan Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, December 16, 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 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 Schultz. The following members responded: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

MINUTES

Ms. Orphal made a motion seconded by Mr. Ryan to approve County Board minutes from November 6th, November 18th, November 25th and December 1st, 2008. Chairman Koehler asked if there were any corrections. Mr. Munaretto noted a name error on page 7 of the November 6th minutes that will be corrected. Chairman Koehler asked for a voice vote, the ayes having it, the motion to approve the minutes was approved.

CHAIRMAN'S REMARKS

Chairman Koehler said Ms. Wheeler is not here this evening because her father-in-law passed away. He will pass on funeral arrangements when he gets them. He commented that John Blanchard received the Veteran of the Month award in November and Ms. Hill and Ms. Donner were in attendance. Ms. Donner said he is a wonderful person and to us is probably the Veteran of the year for all that he does. She also mentioned that Mr. Blanchard won a Congressional medal in Washington. Lastly, Chairman Koehler said that he spoke with DOT a short time ago and we have gotten about 3 ½ inches of snow so far with this snow event. Our crews are on a 12/12 shift to keep the County roads clear, noting that there is a shortage of salt he told everyone to be careful when going home this evening.

SPECIAL RECOGNITION/REPORTS

Certificate of Achievement for Excellence in Financial Reporting (CAFR)
Chairman Koehler said our Auditor is unable to be here this evening.

SPECIAL PRESENTATIONS

None

ZBA CONSENT AGENDA

Chairman Koehler asked if any petitions needed to be removed. Ms. Schuster removed Exb #08-58; Mr. Ryan removed Exb #08-55; and Ms. McCann removed Exb #08-21.

Ms. Heisler made a motion seconded by Ms. Yensen to approve the following ZBA petitions:
Exb. #08-57; Grafton Twp; Harris Bk Tr 2968/Plote; reclass of A1C to A1C (renew)
Exb. #08-67; Grafton Twp; Huntley Fire Prot Dist; reclass of A1 to A1C

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler.
The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

Mr. Heisler made a motion seconded by Ms. McCann to approve the following petition:
Exb #08-21; Seneca Twp; Shinichi Kawayoke; reclass of A2 to A2C

Chairman Koehler asked for any discussion. Ms. McCann said in looking at the site plan that this is a very busy area and during events at this property there is dangerous parking being done on Rt. 176 and Millstream Rd. Also there is a request with the conditional use to sell supplies for aquaculture but there is no parking requirement on site.

Ms. McCann made a **motion to amend** seconded by Mr. Donley to **add condition #8 to have five identified parking spots on site for customers.**

Chairman Koehler asked for any discussion on the motion to amend. Mr. Kelly of the ZBA noted that at the hearing the testimony was that the site has adequate parking for any day to day customers based on the gravel areas that are there because it is a low volume type business. Only twice a year they have an event where groups of people come to the site and off- site parking has been done. Mr. Kelly said if the concern is the parking on the street, it might be better to place a condition that all parking be maintained on site and they can adjust their site plan according to how many sites are needed.

Ms. McCann amended her motion to read that all vehicles must park on site. The seconder, Mr. Donley, did not agree with this change. Mr. Ryan then seconded this amendment to Ms. McCann's motion. Chairman Koehler clarified that the **motion to amend now reads that petitioner is to have five identified parking spots on site for customers and accommodate all visitors with on-site parking throughout the year.**

Chairman Koehler referred to Mr. Kelly as he thought they could not do this because of the volume of people at these couple of events a year. Mr. Kelly said he felt there were adequate spots on the grass for parking during these events and cars would be kept off of the street. He said there is adequate space for five parking spaces to be designated they would just have to amend their site plan to make them parking places as opposed to gravel areas as indicated on the current plan. This is a residential driveway right now not built out as a parking lot.

Ms. Barnes asked about accountability of the business owner when customers are parking on the street and they get ticketed. Ms. Wanaski of Planning and Developments responded that possibly the condition could be further amended to include language that the property owner post No Parking signs along Rt. 176 and Millstream Rd. during these overflow type of events. Chairman Koehler said he didn't believe anyone would get ticketed for parking along Millstream Rd. Ms. Barnes felt we shouldn't be adding conditions that can't be enforced. Ms. Wanaski said P & D enforces mainly by people calling in about potential violations. They do track that and keep tabs on the Conditional Use Permit applicants. When the conditional use comes up for renewal P & D will make a report and tell the board if they have been true to their conditions or if there have been any complaints.

Chairman Koehler asked for a voice vote on the **motion to amend to require five identified parking spots on site for customers and all other parking at any event will be on-site parking.** On a voice vote, the ayes having it noting a couple of nays, Chairman Koehler declared the motion to amend regarding the parking has **passed.**

Chairman Koehler asked for any other discussion on the main motion.

Ms. Schuster made a **motion to amend** seconded by Ms. Peschke to **change condition #1 from 20 years to 5 years.**

Chairman Koehler asked for any discussion on the motion to amend. Some felt that five years was too short but 20 years is too long.

Chairman Koehler asked for a voice vote on the motion to change the length of the conditional use permit from 20 years to 5 years. On a voice vote, the nays having it noting a few ayes, Chairman Koehler declared the **motion to amend the time limit is denied.**

Ms. McCann made a **motion to amend** seconded by Mr. Kennedy to **change condition #1 from 20 years to 10 years.**

Chairman Koehler asked for any discussion on the motion to amend. It was felt that 10 years was a reasonable amount of time.

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to amend to change the length of time on the conditional use permit from 20 years to 10 years has passed.**

Chairman Koehler asked for any other discussion on the original motion to approve as amended. Noting none, Chairman Koehler asked for a roll call vote to approve Exb #08-21 as amended. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

Mr. Heisler made a motion seconded by Mr. Dvorak to approve the following Petition:
Exb #08-55; Seneca Twp; Wilbur/Clifford Kamholz; reclass of A1 to A2

Chairman Koehler asked for any discussion on the motion to approve Exb #08-55. Mr. Ryan was concerned that the petitioners were creating two lots out of a five acre parcel in an area that is all five acre parcels. Mr. Kelly responded that they are still having a five acre parcel but it was a zoning lot to meet the standards required by the Soil & Water Conservation District for the LE Score. The petitioners are taking the non-prime portion of the five acres to get their score adjusted and must have five acres to meet the plat act.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

Mr. Heisler made a motion seconded by Ms. Donner to approve the following Petition:
Exb #08-58; Seneca Twp; Teresa Krafesin; reclass of A1 to A1C

Chairman Koehler asked for any discussion.

Ms. Donner made a **motion to amend** seconded by Mr. Munaretto to **remove Condition #4; the occupants of the carriage house must be immediate relatives to the owner of the property, with the exception of her significant other.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Donner said this is not an enforceable condition and should not be included.

Noting no other discussion, Chairman Koehler asked for a voice vote on the **motion to amend to remove Condition #4**, the ayes having it, Chairman Koehler declared the motion to amend **has passed.**

Chairman Koehler asked for any discussion on the main motion. Ms. McCann said a conditional use is not usually a reason for a conditional use permit for a property and A1 zoning allows for one residence not two.

Ms. McCann made a **motion to amend** seconded by Mr. Donley to **change condition #5 for the length of time to 5 years** from 10.

Chairman Koehler asked for any discussion on the motion to amend. Noting none, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, Chairman Koehler declared the **motion to amend has failed.**

Chairman Koehler asked for any other discussion on Exb #08-58 for approval as amended. Ms. Schuster commented that this says it is a hardship and she believes it states that the department has already given an occupancy permit. The petitioners choose not to move into the residence and she has a problem with two residences on one property as it sets precedence.

Chairman Koehler asked for a roll call vote to approve Exb #08-58 as amended. The following members voted aye: Bless, Donner, Draffkorn, Dvorak, Hill, Kennedy, Merkel, Miller, Munaretto and Orphal. Nay: Breeden, Donley, Hammerand, Heisler, McCann, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler. The vote being ten (10) ayes and thirteen (13) nays noting one (1) absent, Chairman Koehler declared the **motion to approve Exb #08-58 has failed.**

ZBA REGULAR AGENDA

Chairman Koehler said Exb #08-45 is being removed today because of lack of payment.

PLATS

Woodland Estates of Cary – Final Plat

Mr. Heisler made a motion seconded by Ms. Miller to approve the above-named plat. Mr. Heisler noted that the Plat is in the room for review.

Chairman Koehler asked for any discussion. Ms. Wanaski of Planning and Development confirmed the name of the road is Oak Crest Road. There was discussion about the connecting of roads in older subdivisions and some felt this was poor planning.

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Donley, Donner, Draffkorn, Hill, Miller, Munaretto and Koehler. Nay: Breeden, Dvorak, Hammerand, Heisler, Kennedy, McCann, Merkel, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen and Barnes. Absent: Wheeler. The vote being eight (8) ayes and fifteen (15) nays, Chairman Koehler declared the **motion to approve the final plat is denied.**

PUBLIC COMMENT

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

Jeff Gerhardt of Wonder Lake for Wonder Lake SSA

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

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

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

McHenry County Mental Health Board	
Terrance L Ellis	term to 01/01/2013
Connie Meschini	term to 01/01/2013
Kari L Stinespring	term to 01/01/2013
Brett Wisnauski	term to 01/01/2010

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

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda, there were none.

Ms. Orphal made a motion seconded by Ms. Barnes to approve the Routine Consent Agenda.

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

ORDINANCES

For Review: *Ordinance to amend the schedule of fees to cover costs of building permits, inspections and code books*

For Action: **Ordinance authorizing the McHenry County Sheriff to enforce the Illinois Vehicle Code in the roads of Fox River View Estates Subdivision.**

Ms. Miller commented that she has worked with this subdivision and there is a letter of request for these services from the County. Algonquin Twp will pay for and install all of the signage dictated by the traffic study and as soon as it's passed the Sheriff can go in and enforce the IL Vehicle Code. Many residents will be very happy about this.

Mr. Kennedy made a motion seconded by Ms. Barnes to approve the above-named Ordinance.

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

ADMINISTRATOR'S REPORT

Mr. Austin said a report is on board member's desks he asked them to take a look at it. He reminded the board that the employee Christmas luncheon will be this Friday and he hoped board members would be able to attend.

EXECUTIVE SESSION

None

COMMUNICATIONS

None

COMMENTS

Mr. Hammerand noted that McGraw Hills reported that the construction market will continue to slide in 2009 and expects a 7% decline to follow the 12% drop in 2008. Lastly, new data shows that Americans drove 15 billion fewer miles than a year ago this year.

Ms. Donner said she was on the PACE Blue Ribbon Committee and she has a plaque for the County. She read a portion of what was on the plaque.

Ms. Peschke said she agreed about the issues with the length of time of conditional use permits and she has sympathy about the expense of renewing these permits. She believes an easy solution would be if a conditional use has no violations in a period of 5 years that we give them a discount on renewing that. She likes 5 years for a conditional use unless a mortgage is involved.

Ms. Hill encouraged board members to attend the employee luncheon on Friday.

Ms. Salgado said she is thankful for many things this year. She encouraged people when they see a Vet to say thank you for what they do for us.

Ms. McCann said they had a good workshop with Mr. Gottemoller through Planning & Development that Ms. Wheeler set up. Also, antioxidants were discussed in Public Health and the fact that New York City is thinking of putting a tax on Coke for health issues.

Board Members wished all a very Merry Christmas and a Happy New Year.

Chairman Koehler thanked Mr. Donley and his staff for the wonderful board Christmas dinner this evening. He also thanked Mr. Heisler for his help with this. Chairman Koehler also wished everyone a Merry Christmas and wonderful start to the New Year.

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ADJOURNMENT

Mr. Heisler made a motion seconded by Ms. Donner to adjourn at 8:20 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6th day of January, A.D., 2009.

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

ATTEST:

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