

PLANNING AND DEVELOPMENT COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road – Conference Room A
Woodstock, IL 60098

Minutes of Thursday, June 18, 2009

Tina Hill, Chairman

Randy Donley
Sue Draffkorn
Lyn Orphal

Mary L. Donner
Marc Munaretto
Ersel Schuster

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 am. The following members were present: Tina Hill; Randy Donley; Mary Donner; Sue Draffkorn; Marc Munaretto; Lyn Orphal; and Ersel Schuster. Also in attendance: Planning and Development Department staff members, (Dennis Sandquist, Matt Hansel, Mary Ann Wanaski, Deb Sorenson; Jim Heisler and Mary McCann, County Board Members; Kenneth Koehler, County Board Chairman; Jamie Rein, Assistant State's Attorney; and interested.

MINUTE APPROVAL

Mr. Munaretto made a motion, seconded by Ms. Orphal, to approve the regular session minutes of the June 4, 2009 Planning and Development Committee meeting. The minutes were approved as submitted with a unanimous voice vote.

PUBLIC COMMENT: None

PRESENTATIONS: None

SUBDIVISIONS: None

OLD BUSINESS: None

NEW BUSINESS:

Conservation Design Revised Ordinance: The Committee reviewed the revisions to the Conservation Design Developments Ordinance and definitions. Ms. Wanaski reported that the document includes SSA backup, noting that the Committee could change this to go right into an SSA. After discussion, Ms. Orphal made a motion, seconded by Ms. Donner, to accept the revised Ordinance for Conservation Design Developments. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Orphal, Schuster, Donner, Munaretto and Hill).

Violation/Code Enforcement Process – Discussion: Mr. Sandquist over the last six months he has been pleased with the code enforcement efforts and most complaints have been resolved quickly. He reported that staff is researching and looking at the pros and cons of implementing an Administration Adjudication process as a tool for enforcing ordinance violations in a more timely and cost effective manner. Fees are also being evaluated. Mr. Hansel provided a review of the Code Enforcement Process and reported that most complaints are from neighbors and not from staff just driving around looking for violations. Once a complaint is received an inspection is conducted, information is gathered and a determination is made regarding the alleged violation. If no violation is found, the case is closed. If a violation is found to be present, the property owner is sent a letter identifying the violation and asking that they contact the Planning & Development Department to discuss potential solutions. They are given 14 days to response. If no response a second notice is sent which provides for an additional 10 days to respond. If no response, the file is reviewed by the State's Attorney's office for legal action. With sufficient evidence, legal action is undertaken. Ms. Reins noted that approximately 90% of the people are then asking what they can do to resolve the issue. The court process helps monitor the situation and bring the violation into compliance. She noted that there are several reasons for continuance and provided some examples where continuance may be appropriate. Mr. Hansel stated that some complaints are back and forth between neighbors and cautioned about harassment issues and retaliation situations. He also stated that an offender could plead

Approved: 7.2.09

guilty and be sentenced, but the violation would not be removed unless the offender has complied with the violation. By State Law a judge can only order a fine. If the County is unable to gain compliance in Ordinance Violation, the case is taken to Chancery Court. Judges at this level are empowered to issue Temporary Restraining Orders (TROs) and compel action by the defendants. The main goal is to resolve the issue and be in compliance. The file is not closed until the issue is determined to be in compliance. Temporary Restraining Orders (TROs) are only in extreme situations where there is an immediate concern with regard to public welfare/safety. An Adjudication hearing would add another step to the process and Ms. Rein stated she was unsure if such a process would actually help. Mr. Munaretto stated he was strongly against an administrative adjudication program. Ms. McCann joined the Committee and stated that Kane and other counties have implemented this process and ordinance violations were cut in half during the first year. She stated that with the adjudication process fines and court costs are assigned immediately, compliance increases and staff frustration is cut down. Ms. Rein stated she would like to do more research on this program as she was unsure how it works and if it would be advantageous. Mr. Donley stated the whole reason for today's discussion is to address the career violators. The current system works for 90% of the people, but there are those that continue to be violators as they know how to work the system and they know exactly what they are doing. This is a crime without a gun. Neighbors have taken every available step to have their concerns resolved but the violation continues. Mr. Donley also reported on an auto repair business that currently operates in a subdivision with no permit. He questioned why such a business could not be closed. The business is run on a cash basis with no receipt so there is no proof of a business. It was also noted that there are other departments that also address violation issues, such as the Health and Sheriff's Departments. Chairman Koehler also stated that revenue issues need to be addressed as such businesses are evading sales tax. He also questioned if the vehicles were properly titled. He also stated that an auto repair business in a subdivision would be a fire hazard. Ms. Donner left the meeting at 9:30 am. Mr. Munaretto stated that the issue of adjudication should be address in the P&D Committee as it is not an environmental issue. Ms. McCann felt the Natural and Environmental Resources Committee could start the discussion. Ms. Schuster stated that neighbors just become frustrated when violations continue to exist are filing complaints which do not get resolved. She stated that there needs to be a method to allow the job to get accomplished, she asked for a list of the current ongoing zoning issues, stated she does not need names, but would like to know what is being done to address these existing problems. Mr. Sandquist stated he would provide the committee an update on the existing zoning issues

REPORTS TO COMMITTEE, AS APPLICABLE:

Regional Planning Commission: Printing has begun and workshops are scheduled.

Chicago Metropolitan Agency for Planning: No report.

Community Development Block Grant Commission: Work on the 5-year plan is being conducted.

Historic Preservation Commission: The Victory Garden will be considered for next year as it is too late to do planting for this year.

Permit Process Improvements – Memorandum and Diagram: Payment by credit card is being researched.

MISCELLANEOUS: None.

EXECUTIVE SESSION: None

ADJOURNMENT

Ms. Draffkorn made a motion, seconded by Mr. Donley, to adjourn at 9:53 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION: