

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

Tina Hill, Chairman

Randy Donley	Mary L. Donner
Sue Draffkorn	Jim Heisler
Marc Munaretto	Ersel Schuster

MINUTES OF THURSDAY, MAY 5, 2011

Vice-Chairman Donner called the Planning and Development Committee meeting to order at 8:31 a.m. The following members were present: Mary Donner, Vice-Chairman; Randy Donley; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Chairman Tina Hill was absent. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Darrell Moore, Matt Hansel, Maryanne Wanaski, and Sarah Ciampi, Planning and Development; Diane Evertsen, County Board; interested public and press.

PUBLIC COMMENT: Steve Frasier joined committee members and informed them that the last page of the written document he provided them during the April 19, 2011 Planning and Development Committee meeting was obtained from the McHenry County Liquor Control and Liquor License Ordinance.

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of April 19, 2011. Mr. Heisler made a motion, seconded by Ms. Schuster, to approve the minutes. The minutes were approved with a unanimous voice vote of all ayes.

PRESENTATIONS: None.

SUBDIVISIONS: *Subdivision Extension for Hunters Woods:* Mr. Munaretto made a motion, second by Mr. Heisler, to grant a one-year extension for Hunters Woods planned development subdivision. Mr. Moore mentioned to the committee that Hunters Woods has requested a one-year extension, it has been reviewed by several County departments, and the stormwater engineer has found concerns which prevent him from issuing a no-objection letter. More information is needed on drainage and wetland calculations. Because of time constraints, there is not enough time for the developer to put together a new submission request. Staff recommends that the developer return to the beginning of the final plat stage and resubmit a new final plat within one year. This subdivision received approval from the staff plat review, but the developer never came forward with a final plat to this committee. Mr. Munaretto mentioned that he does not agree with going back and asking people who have been fully entitled to do additional work. Mr. Moore stated that one of the items needing correction was a result of updates to the Stormwater Management Ordinance (SMO). Mr. Munaretto stated that Illinois law states that when preliminary plat approval is provided, you are then fully entitled. Ms. Schuster disagreed with Mr. Munaretto and mentioned that there are many issues with groundwater and drainage problems. This subdivision has not come to this committee for final approval and it is currently at the staff level. Mr. Moore mentioned that the tentative plat approval did come before this committee and was approved, but there is always engineering done between the tentative plat and the final plat approval. Vice-Chairman Donner stated that they may consider obtaining an opinion from the State's Attorney as to whether or not the committee has the option to approve a one-year extension for Hunters Woods subdivision. Mr. Moore mentioned that this is the last Planning and Development Committee meeting before the last extension expires for Hunters Woods, which is tomorrow. Mr. Munaretto suggested that the members vote on this matter today, subject to a review by the State's Attorney. Mr. Munaretto modified his original motion to grant a one-year extension for Hunters Woods planned development subdivision to return to staff plat for re-review of the final engineering subject to a determination by the McHenry County State's Attorney relating to tentative or preliminary plat entitlements and whether or not the additional requirements being imposed are being imposed in light of the fact that there is a tentative or preliminary plat approved. Mr. Heisler agreed to second the modified motion. Mr. Sandquist wanted to clarify that the modified motion is to return the subdivision extension to the final plat stage subject to the State's Attorney agreeing that they can request that the subdivision address issues relating to drainage, wetland calculations and emergency overflow capacity according to the requirements in the SMO. The developer is requesting an extension, but staff recommends that the committee require the subdivision to return to the staff plat committee for review to make sure it complies with the SMO, at which time staff will bring it back to the committee. The subdivision would have one year to do this, subject to the State's Attorney's opinion. The motion passed on a unanimous voice vote of all ayes (Donley, Draffkorn, Heisler, Munaretto, Schuster and Donner).

OLD BUSINESS: None.

NEW BUSINESS:

Interviews – McHenry County Zoning Board of Appeals: Vice-Chairman Donner informed members that there was one open position for a regular member which is the appointment previously held by Robin Perry who resigned. This appointment will expire on September 1, 2013. There is also one open position for an alternate member which is the appointment previously held by Mark Elmore who resigned. This appointment will expire on December 15, 2011. She also informed members that there may be a second alternate position open if they recommend that Charles Eldredge be appointed as a regular member which would leave his alternate position vacant. This appointment would expire on December 15, 2012.

Committee members interviewed Edward Varga, Larry Greif, Charles Eldredge, Patricia Kennedy, Jerry Davenport, John Rosene and Allan Stenstrom for consideration for appointment to the McHenry County Zoning Board of Appeals. Bruce Bennett and Elroy Hilbert were unable to attend the meeting for an interview and committee members reviewed their applications. Committee members entered into a discussion regarding the appointment of one regular member to the McHenry County Zoning Board of Appeals with a term to expire on September 1, 2013.

Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Charles Eldredge as a regular member of the McHenry County Zoning Board of Appeals with a term to expire on September 1, 2013. The motion failed with two members voting aye (Munaretto and Draffkorn) and four members voting nay (Donley, Heisler, Schuster and Donner).

Mr. Donley made a motion, seconded by Mr. Heisler, to recommend the appointment of Patricia Kennedy as a regular member of the McHenry County Zoning Board of Appeals with a term to expire on September 1, 2013. The motion failed with three members voting aye (Donley, Heisler and Schuster) and three members voting nay (Draffkorn, Munaretto and Donner).

Vice-Chairman Donner made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Edward Varga as a regular member of the McHenry County Zoning Board of Appeals with a term to expire on September 1, 2013. The motion failed with six members voting nay (Donley, Draffkorn, Heisler, Munaretto, Schuster and Donner).

Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Charles Eldredge as a regular member of the McHenry County Zoning Board of Appeals with a term to expire on September 1, 2013. The motion carried with five members voting aye (Donley, Draffkorn, Heisler, Munaretto and Donner) and one member voting nay (Schuster).

Committee members entered into a discussion regarding the appointment of two alternate members to the McHenry County Zoning Board of Appeals. Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Jerry Davenport as an alternate member of the McHenry County Zoning Board of Appeals with a term to expire on December 15, 2011. The motion failed with four members voting nay (Donley, Heisler, Schuster and Donner) and two members voting aye (Draffkorn and Munaretto).

Mr. Donley made a motion, seconded by Mr. Heisler, to recommend the appointment of Patricia Kennedy as an alternate member of the McHenry County Zoning Board of Appeals with a term to expire on December 15, 2011. The motion carried with four members voting aye (Donley, Heisler, Schuster and Donner) and two members voting nay (Draffkorn and Munaretto).

Mr. Munaretto made a motion, seconded by Mr. Donley, to appoint John Rosene, as an alternate member of the McHenry County Zoning Board of Appeals with a term to expire on December 15, 2012 should Charles Eldredge be approved by the County Board as a regular member of the McHenry County Zoning Board of Appeals. The motion carried with all members present voting aye on a voice vote (Donley, Draffkorn, Heisler, Munaretto, Schuster and Donner).

Resolution Waiving Stormwater Permit Fees Associated with Privacy Fences Located in the Floodplain: Mr. Munaretto made a motion, seconded by Mr. Heisler, to recommend the County Board approve the above resolution. The motion carried on a roll call vote of all members present voting aye (Donley, Draffkorn, Heisler, Munaretto, Schuster and Donner).

Neighborhood Stabilization Program: Ms. Wanaski, Ms. Ciampi and Kimberly Danna, Region 5 Representative from HUD and McHenry County's Grant Manager, joined committee members to discuss the Program. This is a \$3 million grant. Ms. Danna mentioned that HUDs first goal is to get the funds expended and buyers into the homes purchased with initial grant funds. Once a property is sold, the County may purchase additional homes with program income funds which will have to be run similar to the original grant program. The funds must be used for the same purposes as the NSP (Neighborhood Stabilization Program) funding. It is HUDs understanding that there have been issues with CAHMCO's cash flow from an organizational standpoint which has limited their ability to complete the activities of their current agreements. HUD has been working with the County to revise the agreements with CAHMCO, and revise the relationship between the County and CAHMCO in order to have a successful conclusion of the first round of properties. She has been talking with Ms. Wanaski and her staff concerning possible options to manage the grant. Ms. Danna mentioned that it does not look like CAHMCO can complete it services under the contract. They were originally going to do ten properties, but they ended up with 15 properties. They ran into cash flow problems, they are having internal administrative issues, and it appears to her that CAHMCO is not going to proceed with the contract to complete their services for the NSP. The properties that have been acquired have to be completed and advertised to be sold. She questioned the County if there are developers who could take on the roll that CAHMCO has, and the problem is that the initial round of funding has to be spent by September, 2012. The properties are in various stages of completion. The County has not been able to identify alternative entities that can take on the roll of completing the properties, along with meeting all of the regulatory requirements. Ms. Danna stated that an option for the County is to take over the administration of the remainder of the original set of properties from CAHMCO, and the money that is obtained from the sales proceeds, do the work in-house, and finish out the grant. She feels this is a viable option for the County to undertake and feels the County has staff to handle this project. She mentioned that if the County will be handling this project in-house, an option that may be available is for someone from HUD, or a consultant paid by HUD, to come to the County and assist with the initial operating procedures including marketing, rehabilitation completion, and finances. She has spoken with Bonnie Lester, from ICF, Inc., who is currently working with County Staff, to provide a part-time staff member to assist the County for a short period of time with implementing this project and then once it is up and running, the consultant would step away. If this is of interest to the County, she will look into this option and see if it will be available. She will need to obtain approval from HUD's national office, but feels it is definitely possible. Mr. Danna mentioned that if the County decides not to go with an in-house operation for this project, her concern is how will the County identify an entity in enough time to absorb the operation, handle marketing and complete projects. Ms. Wanaski mentioned that CAHMCO sent an email stating they wish to terminate the agreement with the County to be able to do a NSP project with the State of Illinois Housing Development Authority (IHDA). Ms. Danna said that HUD is concerned about CAHMCO and from their understanding, if CAHMCO closes its doors, the County's assets are protected because the properties are in a trust. Because CAHMCO is having cash flow problems, they are reducing their expenses, and are cutting operations. Mr. Munaretto mentioned that CAHMCO has other assets outside of the NSP and HOME (HOME Investment Partnership) that they operate on behalf of the affordable housing sector of McHenry County. Mr. Donley summarized by stating that the proposal is for the County to take over the projects CAHMCO started. Mr. Donley asked whether or not the issue with an outstanding payment to Brackmann Construction has been taken care of. As far as the Renaissance contract, she was told they had worked out a payment plan and later found out it was not acceptable. However, the County will be paying Corey Brackmann the fees CAHMCO owes him for the NSP homes. Ms. Wanaski mentioned that if the County does not do this project in-house, she fears the project will not be completed if they have to rely on another entity. Ms. Danna questioned how quickly they could have contracts signed if the County decided to choose another entity for this project. She stated that she would be at the CAHMCO office today to review their records concerning the NSP. Ms. Wanaski mentioned that it is their hope to assign CAHMCOs contracts to the County and finish out the work that CAHMCO already contracted to have done. She requested committee members to allow staff to go through the transitional phase until a suitable replacement can be found, if Ms. Danna is able to obtain funds from HUD to allow them to imbed the consultant to assist staff to run the program. The transitional phase could be finishing 12 houses which are in various stages of completion. Ms. Wanaski stated that staff's goal is to finish the 12 houses, sell them, and then come back to the committee to report the income from the program, and see if they can do more houses. Ms. Danna stated that the size of the County's staff from HUDs perspective is almost appropriate to undertake this project. Ms. Schuster questioned if the Housing Authority could become involved in this project. Ms. Danna stated that HUD has issued a policy stating that public housing authorities cannot be used in the capacity of a developer. Ms. Schuster requested a list of the locations of the homes be provided to committee members. Members asked what options were available for this situation. Mr. Munaretto mentioned that they could pay back \$3 million to HUD and be done with the matter. Ms. Danna mentioned that one option is for the County to complete the work they have in-house, and have a strategy as to what to do with the sale proceeds when the original set

of houses are sold. Another option would be to choose a new development partner that has the administrative capacity to follow the federal rules to take on this project in a fairly short amount of time, which is within the next month. She also mentioned an interim step for the County which would allow HUD to come in, inbed the staff needed at HUD's expense in order to get the project running internally which will allow them time to find a development partner. Mr. Munaretto mentioned that this is a good incremental solution to a problem that they do not have an incremental solution to. Ms. Danna stated that if they do not complete the program and get buyers into the houses, then HUD will say that the County did not satisfy the terms of the grant and she will have to ask the County to return the money. Ms. Wanaski mentioned that there are 12 houses and there are four prospective buyers for four properties. Four properties will be rental units that they plan to move to the Housing Authority to allow them to put in housing tenants that fit income requirements. Staff feels they will be able to finish all of the construction on the 12 houses by early to late fall. At that time staff will come back to the committee and discuss how to proceed from that point forward. Mr. Munaretto mentioned that this is a transitional program and requests that by the fall of 2011 staff have a plan in place to extricate the County from this project, or apply what they have to assist a development contractor in order to offset the County's costs. Ms. Wanaski stated that Ms. Ciampi and she have been invited to attend the Board of Directors' meeting for Habitat for Humanity next week and they are a CHDO. Habitat for Humanity could be a possible candidate to partner with provided they too have the capacity to execute the program as Ms. Danna explained. She informed committee members that staff wanted to bring them up to date so they have a better understanding of the issues they are trying to solve with CAHMCO wanting to terminate the contract with the County. At this point there is no action that needs to be taken by the County Board or this committee. She will provide members with a list of the houses, including a map and PIN numbers as requested.

Resolution Authorizing Adoption of Amendments to the McHenry County Board Rules: Mr. Munaretto mentioned that his previous question concerning zoning petitions was whether or not a County Board member could pull a zoning petition. Mr. Sandquist mentioned that that was in the By-Laws which stated that a County Board member could pull a zoning petition with the majority vote of the County Board. That is not what they have been doing, but it is his understanding that the times when they request to pull a petition, it has been at the request of the petitioner. The County Board Rules have been amended to be very specific in stating that a member maintains the right to postpone it one time with the majority vote of the full Board. If a petitioner wants to postpone it, they can do that by notifying either the County Board Chairman or the Committee Chairman and ask them to do such. It does not require a vote and it is not limited to one time. Mr. Munaretto stated that this clears up some confusion about the roles of County Board members with the process of pulling zoning petitions off the agenda. Mr. Sandquist mentioned that the remainder of the proposed changes to this section of the Rules are from the Zoning Ordinance in accordance with state law. Ms. Schuster mentioned that there was a typographical error at the bottom of page 8 of the County Board Rules, third line up from the bottom, as follows: the word "of" should be changed to "to". Mr. Munaretto made a motion, seconded by Mr. Donley, to recommend the County Board approve the above resolution and adopt the changes to the County Board Rules, with the noted change as to the typographical error on page 8 of the Rules. Ms. Schuster reported that this will be on the May 9, 2011 agenda for the Management Services Committee. The motion carried on a roll call vote of all members present voting aye (Donley, Draffkorn, Heisler, Munaretto, Schuster and Donner).

REPORTS TO COMMITTEE:

Chicago Metropolitan Agency for Planning: None.

Community Development Block Grant Commission: Ms. Draffkorn mentioned that they have not met since the Housing Commission so there is nothing new to report.

Historic Preservation Commission: None.

Housing Commission: None.

MISCELLANEOUS: Mr. Donley mentioned that he had a discussion with Mr. Sandquist concerning the ZBA granting a change in a reclassification from A1-A2 from petitioners in his district. These requests are normally discussed during County Board evening meetings, but due to a timing issue, the petitioners are requesting if their request could be moved to the County Board's day meeting which is June 7, 2011. This will still satisfy the time constraints required by law. It has been done in the past and there has been precedence set before this request. Mr. Donley is requesting this committee to allow Mr. Sandquist to place this matter on the June 7, 2011 County Board agenda. It was the consensus of the committee to allow this ZBA request be placed on the June 7, 2011 County Board agenda.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Mr. Heisler made a motion, seconded by Ms. Draffkorn, to adjourn the meeting at 11:20 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

Recommend Charles Eldredge for appointment as a regular member of the McHenry County Zoning Board of Appeals
Recommend Patricia Kennedy for appointment as an alternate member of the McHenry County Zoning Board of Appeals
Recommend John Rosen for appointment as an alternate member of the McHenry County Zoning Board of Appeals
Resolution Waiving Stormwater Permit Fees Associated with Privacy Fences Located in the Floodplain
Resolution Authorizing Adoption of Amendments to the McHenry County Board Rules

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